

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25039 of 2017

Arising Out of PS.Case No. -123 Year- 2016 Thana -LAUKHI District- MADHUBANI

- =====
1. Vimal Kishore Yadav, S/o Manik Lal Yadav, R/o Village- Bangama,
P.S.- Laukahi, District- Madhubani (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food and Civil Supplies Corporation,
Madhubani.
3. Kirhsna Prasad, son of Satya Narayan Lal, Block Co-operative Officer,
Laukahi, Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP
Mr. Sanjeev Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

10/ 01-02-2018

Heard learned counsel for the petitioner and learned
APP for the State as well as counsel for the BSFC.

Petitioner apprehends his arrest in **Laukahi P.S.**
Case No.123 of 2016 instituted for the offence under Section(s)
420, 409, 120-B Indian Penal Code.

Counsel for the BSFC has appeared and submitted
that he has no role in this case.

In the instant case, notice was issued to the
Informant, which has validly been served, but none appears on
his behalf.

Allegation against the petitioner in the First



Information Report is that he being the Chairman of Bangama North Panchayat PACS, purchased 2096 quintal of paddy from the farmers. As per agreement, advanced CMR should be collected against the total paddy to be supplied. The petitioner was required to give 1404.32 quintal rice to State Food Corporation till 23.07.2016, but he has supplied only 857.02 quintal rice to the State Food Corporation and the remaining 547.23 quintal rice remained due upon the petitioner.

Counsel for the petitioner has submitted that informant has filed Certificate against the petitioner vide Certificate Case No.08 of 2016-17 and the petitioner has paid entire dues as made in the Certificate Case amounting to Rs.19,50,968/- and thereafter aforesaid case was disposed off. Order of Certificate Case No.08 of 2016-17 has been annexed as Annexure-P/5 to the Supplementary Affidavit.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Laukahi P.S. Case No.123 of 2016**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Judicial**



Magistrate, 1st class, Jhanjharpur, Madhubani, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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