

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54914 of 2017

Arising Out of PS.Case No. -53 Year- 2015 Thana -VID YAPATINAGAR District- SAMASTIPUR

=====

Sri Pawan Kumar @ Pawan Kumar, S/o Late Swarup Chaudhary, resident of Village- Jamnidegree, P.S.- Munger, District- Munger, At present the Block Agricultural Officer cum Purchase Centre Incharge, Vidyapati Nagar, P.S. Vidyapati Nagar, District- Samastipur, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar
2. The State Food Corporation through District Manager, Begusarai.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Advocate.
For the BSFC : Mr. Niraj Kumar, Advocate.
For the State : Mr. Binod Kumar, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

8 26-03-2018 Supplementary affidavit has been filed on behalf of the petitioner. Let it be kept on the record.

Heard learned counsel for the petitioner, learned counsel for BSFC and learned counsel for the State.

The petitioner apprehends his arrest in **Vidyapatnagar P.S. Case No. 53 of 2015** instituted for the offence under Sections 420, 403, 409 of the Indian Penal Code and Section 7 of Essential Commodities Act.

It has been submitted on behalf of the petitioner that prayer for anticipatory bail of the petitioner was earlier rejected by a coordinate Bench of this Court vide order dated 15.12.2015 passed in Cr. Misc. 41823 of 2015.

The case was adjourned on 7.3.2018 on the request of



the learned counsel for the petitioner that he is ready to submit bank guarantee for the entire amount of loss as mentioned in the written report. But the aforesaid bank guarantee has not been furnished by the petitioner.

The counsel for petitioner has submitted that petitioner is ready to give bank guarantee for 20% of amount as mentioned in paragraph-7 of the bail petition.

In terms of order dated 28.02.2017 passed by the Hon'ble Supreme Court *in Special Leave to Appeal (Criminal) No. 1779 of 2016 (State of Bihar Vrs. Divesh Kumar Chaudhary and Another)*, the petitioner has to give bank guarantee for full amount of loss.

Therefore, this Court is not inclined to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner stands rejected.

Petitioner may surrender before the court below within a period of four weeks from the date of receipt of this order and make prayer for regular bail. In the event the petitioner becomes ready to submit bank guarantee with regard to entire amount of loss mentioned in the written report, the court below will pass appropriate order in accordance with law without being



prejudiced by this order after looking into the observation of
Hon’ble Supreme Court passed in the aforesaid order.

(Sanjay Priya, J)

S.Ali/-

U		T	
---	--	---	--

