

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65541 of 2018

Arising Out of PS. Case No.-97 Year-2016 Thana- MAHKAR District- Gaya

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Rohit Kumar, Son of Ram Jeevan Sharma, Resident of Village- Naili, P.S.-
Mahkar, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Bihar State Food Corporation through Incharge, Godown Manager,
Nimchak Bathani, District- Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramashish, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 14-12-2018 Heard counsel for the petitioner and counsel
appearing on behalf of the State.

Despite service of notice on the counsel
appearing on behalf of the Bihar State Food & Civil Supplies
Corporation, no one has appeared on its behalf.

The case was called out at 10.30 AM but no one
had turned up and the case was passed over to be taken up at
11.00 AM. Again when the case was called out at 11.00 AM no
one had appeared on its behalf. In order to provide one more
opportunity, the case has been called out at 11.30 but
unfortunately neither counsel on its behalf appeared nor any
prayer has been made as to any difficulty faced by its counsel.
In the aforesaid circumstances, the Court is left with no option



but to hear the instant case and consider the petition of the petitioner for grant of anticipatory bail.

The petitioner is apprehending arrest in connection with Mahkar P.S. Case No. 97 of 2016 for offences under Sections 406, 409, 420, 467, 468, 188, 120(b), 34 of the Indian Penal Code.

Learned counsel for the petitioner, with reference to the prosecution case submits that from the FIR itself it would be evident that it is a case of accounting. According to the petitioner as against Rs. 29/- lakhs the petitioner has paid Rs. 14,66,132.80 which is admitted in the FIR itself. He further submits that after deducting that amount the amount payable by the petitioner is approximately Rs. 15/- lakhs, against which the petitioner is entitled to adjustment of Rs. 9,37,634/- as transportation and milling charge and in addition to that the petitioner had deposited security money of Rs. 5,00,000/- and after after adjustment of the aforesaid amount, nothing is payable by the petitioner.

Considering the aforesaid facts and circumstances of the case, the court is inclined to enlarge the petitioner on anticipatory bail subject to the condition that if the petitioner, after adjustment of the aforesaid amount of transportation and



milling charge and the security amount deposited, found liable to pay any other amount, the petitioner shall pay the same within a period of three months from the date of such demand after proper calculation and adjustment.

Let the petitioner, above named, in the event of arrest or surrender within four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate IX, Gaya, in connection with Mahkar P.S. Case No. 97 of 2016, subject to the conditions as laid down under Section 438(2) Cr. P. C.

(Anil Kumar Upadhyay, J)

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