

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11159 of 2018

Arising Out of PS.Case No. -271 Year- 2017 Thana -FATEHPUR District- GAYA

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Jai Prakash Yadav, S/o Kuldeep Yadav, R/o Village- Jamheta, P.S.-
Fatehpur, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lilawati Singh, Advocate.

For the Opposite Party/s : Mr. Arun Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 07-03-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Fatehpur P.S.**

Case No. 271 of 2017 instituted for the offence under Sections 409 and
420 of the Indian Penal Code.

It is alleged in the written report that petitioner who was
the PACS President, has not deposited 129.23 quintal of paddy to SFC
which was purchased from the farmers. It is alleged that he had sold the
paddy in the open market and caused loss of Rs.3,08,342.72 to the
Government exchequer.

Learned counsel for the petitioner has submitted that
petitioner has deposited the entire amount of Rs,3,08,342.78 in the
Punjab National Bank, Jamheta, by different pay-in-slip, copy of
which, has been enclosed as Annexure-2 series. The Branch Manager
of Magadh Central Co-operative Bank Ltd., Gaya, has issued a



certificate stating therein that no amount is due against the petitioner.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Fatehpur P.S. Case No. 271 of 2017**, 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 **learned Additional Chief Judicial Magistrate-Xth, Gaya**, 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 his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond 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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