

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21497 of 2017

Arising Out of PS.Case No. -215 Year- 2016 Thana -SONBERSA District- SITAMARHI

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Gaurav Kumar, S/o Late Bhushan Sharma, Resident of Village-
Shahdullahpur, P.S. Lalgunj, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bihar State Food Corporation, Sitamarhi.

.... Opposite Party/s

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with

Criminal Miscellaneous No.33652 of 2017

Arising Out of PS.Case No. -215 Year- 16 Thana -SONBERSA District- SITAMARHI

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Sanjit Kumar, Son of Ramdev Rai, Resident of Village- Banarjhula, P.S.-
Sonbarsa, District- Sitamarhi at present posted as 4G Data Entry Operator,
Sonbarsa, Godown, B.S.F.C., P.S. Sonbarsa, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, B.S.F.C., District- Sitamarhi.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.21497 of 2017)

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr. Dinesh Jha, Advocate.

For the State : Dr. Indihar Kumari, A.P.P.

For the opposite party No. 2: Mr. Shailendra Kumar Singh, Advocate
Mr. Harish Kumar, Advocate.

(In Cr.Misc. No.33652 of 2017)

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate.
Mr. Ashok Kumar Jha, Advocate.
Miss. Preety Kunwar, Advocate.

For the Opposite Party/s : Mr. Nityanand, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

11 29-08-2018 Both petitions arise out of **Sonbersa P.S. Case No.**

215 of 2016 registered under Sections 420, 409, 467, 468 and



471/34 of the Indian Penal Code, in which, petitioners apprehend their arrest and hence, they are being heard together and disposed of by this common order.

Heard learned counsel for the petitioners and the State.

It has been submitted that petitioners were Data Entry Operator deputed by the Company. The petitioner of Cr. Misc. No. 21497 of 2017 was working as I.T. Manager in the State of Bihar at Sitamarhi District. The petitioner of Cr. Misc. 33652 of 2017 was working as Data Entry Operator in Sonbersa Block. They have no concern with transportation of food grains and issuance of SIO to the PDS Dealer. Their only work was to make entry of SIO duly prepared by the I.T. Manager at the time of transportation through the Door Step Delivery Agent. It has further been submitted that other co-accused persons have already been granted anticipatory bail by this Court vide orders dated 08.01.2018 passed in Cr. Misc. 12880 of 2017 along with Cr. Misc. 15131 of 2017.

Counsel for the BSFC has appeared and submitted that forged SIO has been issued by the petitioners in connivance with PDS Dealer without depositing the amount. There is no mention in the register with respect to deposit of the amount by



the petitioner.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with **Sonbersa P.S. Case No. 215 of 2016**, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned **Chief Judicial Magistrate, Sitamarhi**, 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) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bond and (3) if petitioners tamper 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 petitioners.

(Sanjay Priya, J)

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