

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10610 of 2018

Arising Out of P.S.Case No. -144 Year- 2017 Thana -BATH District- BHAGALPUR

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Mukti Prasad Singh son of Late Sadhu Sharan Singh, Resident of village
Naya Gaon, P.S. Bath, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Panchanand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 30-03-2018

Heard learned counsel for the petitioner and the
State.

The petitioner apprehends his arrest in Bath P.S.
Case No. 144 of 2017 instituted for the offence under Section(s)
406, 409 and 420 of the Indian Penal Code and 7 of E.C. Act.

Learned counsel for the petitioner submits that
earlier this petitioner was made accused in Bath P.S. Case No. 61
of 2016 for non supply of 4289.23 quintal C.M.R to the State Food
Corporation, Bhagalpur in which petitioner was granted privilege
of provisional anticipatory bail by this Court vide order dated
13.12.2016 passed in Cr. Misc. No. 47296 of 2016 with direction
to the petitioner that he shall deposit 4289.23 quintals of C.M.R.
within three months and thereafter his provisional bail will be
confirmed. The State Food Corporation, Bhagalpur did not agree



to accept the admitted C.M.R. of 4289.23 quintals within six months as per direction of this Court. They wanted to get money in lieu of the said C.M.R. and for that reason, a petition for modification of order dated 13.12.2016 was preferred and this Court vide order dated 06.09.2017 passed in Cr. Misc. No. 20567 of 2017 modified the said order to the extent that amount of 4289.23 quintals C.M.R. has to be deposited by the petitioner in currency within a period of six months in six equal installments, out of which the petitioner has already deposited two installments. The seized C.M.R. were kept only with purpose to sell in the open market so as to deposit the rest amount of installments and comply the direction of this Court. From perusal of the written report it is apparent that petitioner is the owner of the aforesaid rice mill. He was also the chairman of the *Naya Gaon*, Pacs.

Learned counsel for the petitioner has submitted that Manager of the aforesaid Pacs has already been granted anticipatory bail by co-ordinate Bench of this Court by order dated 27.02.2018 passed in Cr. Misc. No. 10658 of 2018.

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 **Bath P.S. Case No. 144 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 A.C.J.M. XIII, Bhagalpur**, 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 their 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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