

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16290 of 2018

Arising Out of PS.Case No. -41 Year- 2015 Thana -SHAKURABAD District- JEHANABAD

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Madan Mohan Sharma @ Pintu, son of Late Shyam Sunder Sharma, Prop.
M/S Laxmi Rice Mills, resident of village Mirzapur, P.S. Shakurabad, Dist.-
Jehanabad

.... Petitioner

Versus

1.State of Bihar
2. Managing Director, Bihar State Food Civil Supplies Corporation Ltd.,
Khadya Bhawan, Daroga Rai Path, Patna

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Sanjan Kumar Sharan

For the Opposite Party/s : Mr. Ajay Kumar-1

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 02-05-2018 Heard both sides.

The petitioner seeks bail in Shakurabad P.S. Case No.41 of 2015 registered under Sections 406 and 420 of the Indian Penal Code and Section 7 of the E.C. Act.

The petitioner was earlier granted bail vide order dated 11.08.2015 passed in Cr. Misc. No.28732 of 2015 but B.S.F.C. and State of Bihar filed S.L.P.(Cr.) No.1779 of 2016 and in pursuance of the order, the record of Shakurabad P.S. Case No.41 of 2015 was transferred to the court of Smt. Shefali Narayan, J.M.1st Class, Gaya but no notice was issued to the petitioner, therefore, the petitioner could not appear in court and consequently his bail bond was cancelled on 01.11.2017. The



petitioner surrendered in the court on 06.02.2018 and prayed for bail but the learned Judicial Magistrate rejected the prayer for bail of the petitioner on the ground that he did not furnish bank guarantee in pursuance of the order of the Hon'ble Apex Court.

Learned counsel for the petitioner submits that no notice was ever issued to the petitioner to furnish bank guarantee. The bail bond of the petitioner was cancelled on account of his non-appearance. Although he had no knowledge about the transfer of the case from the court of Judicial Magistrate, Jehanabad to the court of Judicial Magistrate, Gaya and since 06.02.2018 he has been in jail.

Learned counsel for the B.S.F.C. Mr. Nirmal Kumar submits that the petitioner did not furnish bank guarantee and therefore, his prayer for bail was rejected. Learned counsel for the B.S.F.C. annexed the order passed in SLA (Cr.) No.1779 of 2016 and other analogous cases.

It appears that the order passed by this court in a petition filed under Section 482 of the Cr.P.C. for quashing the F.I.R. and it has no relevancy in the present case.

Considering the fact that the petitioner was granted regular bail and on account of his non-appearance in the transferee court, the bail bond of the petitioner was cancelled on 01.11.2017



but the petitioner voluntarily surrendered on 06.02.2018 and since then he is in custody, the petitioner above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Smt. Bharti Kumari, learned J.M.1st Class, Special Court, Gaya, in Shakurabad P.S. Case No.41 of 2015.

(Prabhat Kumar Jha, J)

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