

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65684 of 2018

Arising Out of PS. Case No.-37 Year-2018 Thana- JAMHOR District- Aurangabad

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Shri Durgesh Chandra Prasad @ Durgesh Chandra Prasad S/o Prithvi Raj Prasad Resident of Village- Bihat, P.S. Barauni, District- Begusarai the then Assistant Manager, CMR Godown, Bihar State Food Corporation, Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 18-12-2018 Heard counsel for the petitioner and counsel appearing on behalf of the State.

The petitioner is apprehending arrest in connection with Jamhore P.S. Case No. 37 of 2018 for offences under Sections 406, 409, 420/34 of the Indian Penal Code.

Counsel for the petitioner submits that the petitioner has no criminal antecedent. At the relevant time the petitioner was deputed as Assistant Manager of the godown in question and he received CMR till July, 2017 total 23171.95 quintals from different PACs. Out of the same 7447.72 quintals CMR was released on 13.9.2017 and on physical verification, 6000 quintals CMR was found in the godown.

Learned counsel for the petitioner submits that



one of the co-accused Millar Binod Kumar was granted bail on the condition that he has to deposit the CMR or the cost of CMR. Although the petitioner was at the relevant time posted as Assistant Godown Manager, on his behalf, learned counsel submits that the petitioner is ready to deposit Rs. 5/- lakhs within a period of three months from today.

In view of the above, let the petitioner, above named, in the event of arrest or surrender within four weeks from today, be released on provisional bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Aurangabad in connection with Jamhore P.S. Case No. 37 of 2018, subject to the conditions as laid down under Section 438(2) Cr. P. C.

The Court below is directed to make the provisional bail absolute on deposit of Rs. 5,00,000/- within three months and the said deposit shall abide by the final outcome of the criminal case.

(Anil Kumar Upadhyay, J)

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