

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3630 of 2019

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

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Shree Niwas Sharma, Male, aged about 65 years, son of late Awadh Bihari Sharma, Resident of Village- Aranda, P.S. Uphara, District- Aurangabad.

... .. Petitioner

Versus

1. The State of Bihar Through Principal Secretary, Food And Civil Supply, Govt. of Bihar, Patna Bihar, Patna
2. Managing Director, Bihar State Food Corporation Bihar.

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Santosh Kumar Pandey, Advocate.
For the State : APP
For the O.P. No. 2 : Mrs. Namrata Mishra, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 25-01-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 406, 420/34 of the Indian Penal Code registered in connection with Uphara P.S. Case No. 37 of 2018.

3. It is submitted that the petitioner who is the Chairman of the Uphara PACS has been falsely implicated and in any event as against the alleged dues of Rs. 13,70,246.26 shown outstanding against the Uphara PACS, the petitioner has since deposited the entire outstanding dues together with interest aggregate to in all Rs. 14,50,000/- as evident from the paying slip dated 21.12.2018 (Annexure-2). State is made at the Bar that no further amount is outstanding against Uphara PACS for the procurement year 2017-18.

4. Learned APP assisted by learned counsel for the BSFC- Opposite Party No. 2 appeared and have been heard.



5. Be that as it may, having regard to the entirety of the facts and circumstances of the case, in the event of the petitioner's arrest or surrender before the court below within eight weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Daudnagar, Aurangabad in connection with Uphara P.S. Case No. 37 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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