

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9403 of 2019

Arising Out of PS. Case No.-95 Year-2018 Thana- ROH District- Nawada

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Murari Singh, Son of Anandi Singh, Resident of village- Bhandajor, P.S.-Roh District-Nawada

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Cooperative Extension Officer, Roh, Nawada, District- Nawada
3. Bihar State Food and Civil Supplies Officer through its District Manager, Nawada, District- Nawada.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sumeet Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Parmeshwar Mehta
For the B.S.F.C.	:	Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 19-02-2019 Heard Mr. Sumeet Kumar Singh, learned counsel for the petitioner and Mr. Shailendra Kumar Singh, learned counsel for the Bihar State Food Corporation.

The petitioner seeks bail in anticipation of his arrest in connection with Roh P.S. Case No. 95 of 2018 dated 28.08.2018 instituted for the offences under Sections 406, 409, 420 and 34 of the Indian Penal Code.

The petitioner who is the PACS Chairman is alleged to have deposited lesser amount of CMR than what he was required to do.

Learned counsel for the petitioner has



submitted that an explanation has been offered about lesser quantity of CMR having been deposited by him with State Food Corporation. It has been submitted that because of lesser produce in the aforesaid agricultural year, requisite quantity of CMR could not be deposited. However the petitioner undertakes to deposit the money equivalent of the deficit CMR which comes to Rs. 31 lakhs within a period of six months from today.

Considering such undertaking given by the petitioner, this Court is inclined to grant anticipatory bail to him with a caveat that in case the petitioner fails to deliver up the aforesaid amount which is equivalent to the price of the deficit CMR, it would be open for the Bihar State Food Corporation to proceed for cancellation of the anticipatory bail of the petitioner.

The petitioner is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IV, Nawada in connection with Roh P.S. Case No. 95 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.



It is made clear that the petitioner shall pay an amount of balance CMR within a period of six months from today, failing which as has been noted above, it would be open for the Bihar State Food Corporation to move ahead for cancellation of the anticipatory bail.

The petitioner shall get his presence marked with the officer-in-charge of the concerned police station once every month till the time the entire money is paid. Any breach of the aforesaid direction shall be viewed seriously.

(Ashutosh Kumar, J)

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