

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27462 of 2019**

Arising Out of PS. Case No.-112 Year-2011 Thana- DARAUNDA District-
Siwan

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BRAHMA SINGH, aged about 70 years, male, Son of Late Daroga Singh
Resident of Village- Ramsapur, P.S.- Daraunda, District- Siwan.

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. The Block Development Officer, Daraunda, District- Siwan.

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Ravindra Nath Dubey, Advocate.

For the Opposite Parties: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 26-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 409 of the Indian Penal Code and Section
7 of the Essential Commodities Act registered in connection with
Dauranda P.S. Case No. 112 of 2011.

3. It is submitted that the petitioner has been falsely
implicated on the accusation of having lifted 390 quintals of rice
between the years 2001 to 2007 which had not been distributed
and thereby the petitioner had defalcated an amount of Rs.
5,34,300/- calculated @ Rs. 1370 per quintal.

4. It is submitted that the petitioner approached this
Court in C.W.J.C. No. 14039 of 2011 which was disposed of by



order dated 05.09.2011 granting liberty to the petitioner to file representation before the Block Development Officer, Daraunda. Such petition was filed by the petitioner and disposed of by the Block Development Officer on 27.05.2014, finding that the petitioner had lifted only 25 quintals of rice as against 390 quintals alleged. It is submitted that the petitioner expresses his readiness to deposit the amount due against 25 quintals of rice found to have been lifted by him after considering the payment of Rs. 5,000/- already made.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on provisional 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, Siwan in connection with Daraunda P.S. Case No. 112 of 2011, 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) That 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) That 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.

(v) That the petitioner shall deposit the amount due against 25 quintals of rice calculated @ Rs. 1370 per quintal after adjusting the amount of Rs. 5,000/- already paid within a period of two months from today. Such deposit shall abide by the final result of the trial.

5. The provisional bail shall be confirmed with the entire amount of dues calculated as aforesaid is deposited by the petitioner within a period of two months from today, failing which the provisional bail shall stand automatically cancelled.

(Vikash Jain, J)

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