

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39231 of 2019**

Arising Out of PS. Case No.-51 Year-2019 Thana- GHOGHARDIHA District-
Madhubani

=====

MANOJ KUMAR SINGH Son of Badri Narayan Singh Resident of Village -
Khangown, P.S.- Pandaul, District - Madhubani.

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. Assistant Manager, Bihar State Food & Civil Supplies Corporation,
Madhubani.

... .. Opposite Party

=====

Appearance :

For the Petitioner	:	Mr. N.K. Agrawal, Sr. Advocate. Mr. Pankaj Kumar Jha Ms. Preety Kunwar, Advocates.
For the State	:	Mr. Parmeshwar Mehta, APP
For the BSFC	:	Mr. Shailendra Kr. Singh Mr. Nirala Kr. Singh, Advocates.

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

7 18-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 409/34 of the Indian Penal Code and
Section 7 of the Essential Commodities Act registered in
connection with Ghoghardiha P.S. Case No. 51 of 2019.

3. It is submitted that the petitioner has been falsely
implicated in connection with seven *trucks* loaded with
foodgrains of BSFC which had gone missing. It is submitted that
the petitioner is a transporting agent of BSFC and has been
carrying out the transport work for the past about three years



without any complaint in this regard. It is submitted that out of the seven missing trucks, five trucks have since been recovered. The value of the goods on the two missing *trucks* would be about Rs. 25,00,000/-, as against this, the BSFC has already recovered the entire amount of the bank guarantee of Rs. 20,00,000/- and also Rs. 10,00,000/- furnished by way of cash security. Moreover, the petitioner is entitled to about rupees one and half crores by way of transporting bills remaining due to him from BSFC. As such, no loss has been caused to BSFC. The petitioner undertakes to make good any loss as may have been suffered by BSFC on account of the missing foodgrains relating to the seven missing *trucks*. The petitioner is accused in two prior cases of different nature.

4. Learned APP assisted by learned counsel for the BSFC appear and have been heard. Learned counsel for the BSFC has not disputed the submissions made by the petitioner.

5. 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 bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Jhanjharpur in connection with Ghoghardiha P.S. Case No. 51 of 2019 corresponding to G.R. No. 662 of 2019, 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.

6. Learned counsel for the petitioner does not press the I.A. No. 01 of 2019.

7. I.A. No. 01 of 2019 is accordingly dismissed as not pressed.

(Vikash Jain, J)

Ibrar//-

U		T	
---	--	---	--

