

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40477 of 2019**

Arising Out of PS. Case No.-306 Year-2015 Thana- BUXAR MUFFSIL
District- Buxar

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ALOK KUMAR, male, aged about 48 years, Son of Sri Navdeep Chandra
Resident of Kanauri Kopal Clinic, P.S.-Jehanabad, District-Jehanabad.

... .. Petitioner

Versus

The State of Bihar through the Dist. Manager Bihar State Food and Civil
Supplies Corp. Ltd. Buxar P.S.-Buxar, District-Buxar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr. R.S. Pradhan, Sr. Advocate. Mr. Ranjeet Choubey, Advocate.
For the State	:	APP
For the BSFC	:	Mr. Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 03-07-2019 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 and 420 of the Indian Penal Code
registered in connection with Buxar Muffasil P.S. Case No. 306 of
2015.

3. It is submitted that the petitioner has been falsely
implicated and he is not F.I.R. named accused. The thrust of
accusation is against co-accused Arun Kumar Mishra, Proprietor
of the rice mill on the accusation of misappropriation
of 21692.31300 quintals of CMR valued at Rs. 4,01,22,769.57.
The said rice miller has since furnished property valued at
Rs. 3,40,57,000/- and has also been regularly depositing the due
amount in terms of the agreement. The petitioner has been
subsequently implicated but however submits that he has duly
followed the guidelines of the Department of Food and Consumer



as issued by the Government of Bihar. In similar circumstances, anticipatory bail has been granted to Dinesh Prasad Singh accused in Ramgarh P.S. Case No. 93 of 2015. The petitioner claims clean antecedents.

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 bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Special Court, Patna in connection with Buxar Muffasil P.S. Case No. 306 of 2015, 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.

(Vikash Jain, J)

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