

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.64403 of 2018

Arising Out of PS. Case No.-64 Year-2018 Thana- TANDWA District- Aurangabad

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1. Kailash Yadav, S/o Late Mungeshwar Yadav, Resident of Village- Ghura Nand, P.S.- Tandwa, District- Aurangabad.
 2. Rahul Kumar, S/o Ram Saroop Singh, Resident of Village- Etwa, P.S.- Tandwa, District- Aurangabad.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Bhaskar Shankar, Advocate
For the Opposite Party : Mr. Jitendra Kr. Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 03-01-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 406, 409, 420/34 of the Indian Penal Code registered in connection with Tandwa P.S. Case No. 64 of 2018.

3. It is submitted that the petitioners have been falsely implicated merely because they happen to be the President and the Manager of Basdiha PACS. The paddy collected from the farmers was given to the millers through the said Basdiha PACS which acts as an intermediary but the petitioners have been implicated owing to delay on the part of the millers in supplying the CMR within time. The petitioners undertake that either the quantity of CMR which remains to be supplied or its value shall be made good to the FCI/ SFC within a period of four weeks from today.

4. Be that as it may, having regard to the entirety of the facts and circumstances of the case, in the event of the petitioners' arrest or surrender before the court below within six weeks from the



date of communication of this order, let the above named petitioners be released on provisional anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VII, Aurangabad, in connection with Tandwa P.S. Case No. 64 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. as well as with following conditions –

(i) That provisional anticipatory bail granted to the petitioner shall stand confirmed subject to the condition that the quantity of 1128.30 quintals of CMR or its value shall be delivered to the SFC within a period of four weeks from today.

(ii) That one of the bailors of each of the petitioners shall be their close relatives.

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

(iv) That the petitioners 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, their bail bonds shall be liable to be cancelled by the learned Court concerned.

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

(Vikash Jain, J)

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