

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65338 of 2018

Arising Out of PS. Case No.-146 Year-2018 Thana- RAFIGANJ District-
Aurangabad

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Pankaj Kumar S/o Vijay Kumar, R/o Village- Nima Wazid, P.S.- Rafiganj,
District- Aurangabad.

... .. Petitioner/s

Versus

1. State Of Bihar
2. The Assistant Manager, C.M.R. Bihar State Food Corporation, Aurangabad,
Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh
For the Opposite Party/s : Mr.Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 16-01-2019 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 IPC registered in connection with Rafiganj
P.S.Case No. 146/2018.

3. It is submitted that the petitioner had acted *bonafidely* in
removing the CMR from the godown of which he is the owner for
ensuring its safe keeping. It is stated that 158.30 quintals CMR has
already been returned and the petitioner undertakes to return the
remaining 2383.46 quintals of CMR within a period of one week from
today.

4. Be that as it may, having regard to the entirety of the facts and
circumstances, 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



Chief Judicial Magistrate, Aurangabad, in connection with Rafiganj P.S.Case No. 146/2018, 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 co-operate 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) 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) The petitioner shall return the remaining 2383.46 quintals of CMR to the Rafiganj S.F.C. within a week from today.

Chandran/-

(Vikash Jain, J)

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