

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67512 of 2018

Arising Out of PS. Case No.-54 Year-2018 Thana- MALI District-
Aurangabad

- =====
1. Amod Singh @ Amod Kumar Singh S/o Rajendra Singh
 2. Jitendra Singh S/o Rajendra Singh Both are Resident of Village- Ghiri Bigha, P.S. Mali, District- Aurangabad.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Bhaskar Shankar, Advocate

For the Opposite Party: Mr. J.K. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

5 25-02-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 409, 406, 420/34 of the Indian Penal Code registered in connection with Mali P.S. Case No. 54 of 2018.

3. It is submitted that the petitioners have been falsely implicated on the accusation that there was a deficit of 544.10 quintals of CMR worth Rs. 12,58,738.79 which was not deposited with the State Food Corporation within time. It is submitted that the entire dues in that regard has since been deposited in the Aurangabad District Central Co-Operative Bank Ltd., Nabi Nagar and no further dues outstanding against the petitioners who are the Chairman and Manager respectively of the Sonaura PACS.

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 bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Mali P.S. Case No. 54 of 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 petitioners.

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

(iii) 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.

(iv) 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.

(5) The provisional bail shall be confirmed upon verification by the learned Court below that the entire amount outstanding against the petitioners has been deposited and no dues are outstanding against them. If any amount is found due against the said deficit of 544.10 quintals of CMR, the provisional bail shall stand cancelled.

(Vikash Jain, J)

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