

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48428 of 2019

Arising Out of PS. Case No.-195 Year-2018 Thana- JANDAHA District- Vaishali

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Sunil Kumar Sah, aged about 42 years (M), Son of Jagdish Sah Resident of Village Bhatandipur, P.S. Jandaha, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The State of Bihar through Bihar State Food Corporation, Patna, Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Mukesh Kumar, Adv.
For the Informant	:	Mr. Abhay Kumar, APP
For the BSFC	:	Mr. Niraj Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 05-08-2019 Heard learned counsel for the petitioner and learned counsel for the State.

In this case, the petitioner is apprehending his arrest in connection with Jandaha P.S. Case No. 195 of 2018 registered for offences under sections 406, 409, 420, 120(B) of the Indian Penal Code and Section 7 of the Essential Commodities Act.

In the present case, an allegation has been made that the petitioner had taken 403 quintal of paddy from the farmers amounting Rs. 6,24,650/-, the PACS was to remit the same to rice miller and, in turn, the rice miller was to supply 270.01 quintal C.M.R./Rice to the B.S.F.C., Vaishali. The allegation has been made that the paddy, which was taken from



farmer, was not supplied to the miller and, thus, the petitioner has defalcated the aforesaid amount of Rs. 6,24,650/-.

Learned counsel for the petitioner submits that the petitioner will return the money in four equal installments within a period of six months.

In view of the above undertaking, let the petitioner should deposit the entire amount in four equal installments within a period of six months from today and the first installment must be deposited by the petitioner within a period of fifteen days from today and, he will make payment of rest of the amount in three installments within a period as aforesaid. In the event, he fails to deposit any of the installment, the benefit of provisional bail granted today will be treated to have been canceled.

It is also made clear that the confirmation of the deposit of the entire amount will be made on the report submitted by the Bank.

In view of the aforesaid terms and conditions, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on provisional bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like



amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XI, Vaishali at Hajipur in connection with Jandaha P.S. Case No. 195 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to condition that whenever the police will call the petitioner for investigation/interrogation, he will remain present and if he would not present himself, the privilege of grant of anticipatory bail shall be deemed to have been canceled.

The aforesaid provisional bail granted today will be confirmed by the court below only in the event the entire amount is paid by the petitioner within a period of six months from today.

(Shivaji Pandey, J)

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