

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73038 of 2019

Arising Out of PS. Case No.-88 Year-2015 Thana- GOVINDGANJ District- East Champaran

Manibhushan @ Manibhushan Kumar Son of Heera Lal Prasad Resident of
Village - Kawalpur, P.S.- Turkauliya, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, State Food Corporation Ltd. Motihari, East Champaran Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Shankar Shrivastava, Advocate
For the Opposite Party/s	:	Mr. Parmeshwar Mehta, A.P.P.
For the B.S.F.C.	:	Ms. Namrata Mishra, Advocate

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 25-11-2019 Heard learned counsel for the petitioner, learned counsel for the Bihar State Food Corporation and learned A.P.P. for the State.

The petitioner is apprehending his arrest in connection with Govindganj (Malahi) P.S. Case No. 88 of 2015 for the offences registered under Sections 406, 409, 420 of the Indian Penal Code.

Learned counsel for the petitioner submits that the main allegation is against the Manager and the Miller who have already been extended the privilege of anticipatory bail. Learned counsel for the petitioner further submits that initially the petitioner was not named in the FIR and subsequently, on the



investigation the petitioner's role was also suspected and, therefore, he is apprehending his arrest in the instant case. He further submits that the main accused persons have been granted bail. The petitioner may also be extended the privilege of pre-arrest bail and he shall extend his full cooperation in the investigation and be present in the Trial Court as and when required.

Learned counsel for the B.S.F.C. submits that the petitioner's involvement also came during the course of investigation, therefore, he may not be extended the privilege of pre-arrest bail. She further submits that unless the petitioner taken into custody, the true facts will not come before the Court. She, however, submits that the other two accused persons have already been granted anticipatory bail.

Having considered the entire facts and circumstances and in view of the fact that the petitioner has no criminal antecedent, let the petitioner, above named, in the event of his arrest or surrender before the court below within four weeks, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount to the satisfaction of learned Additional Chief Judicial Magistrate XII, Saran at Chapra, in connection with Govindganj (Malahi) P.S.



Case No. 88 of 2015, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure, subject to the following conditions:

1. One of the bailors shall be blood relative of the petitioner.
2. The petitioner shall not indulge himself in any similar offence till conclusion of the trial.
3. The petitioner shall remain physically present in Court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.
4. 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.

(Anjana Mishra, J)

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