

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70228 of 2018**

Arising Out of PS. Case No.-209 Year-2018 Thana- GOH District-
Aurangabad

- =====
1. Naresh Singh
 2. Uttam Kumar, Both S/o Late Shiv Chandra Singh, R/o Bazar Barma, P.S.-
Goh, Distt- Aurangabad.

... .. Petitioners

Versus

1. State Of Bihar
2. Diwakar Kumar Deep, W/o Anil Sharma, Co Operative Enforcement,
Goh, Distt- Aurangabad.

... .. Opposite Parties

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Appearance :

For the Petitioners : Mr. Amresh Kumar Sinha, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

4 01-03-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 406/420 of the Indian Penal Code registered in connection with Goh P.S. Case No. 209 of 2018.

3. It is submitted that the petitioners, who are the Chairman and Manager respectively of Bazar Barma PACS, Block-Goh have been falsely implicated on the accusation relating to shortage of 827.5 quintals of CMR amounting to Rs. 19,14,365.65. Statement is made at the Bar that an amount of Rs. 3,00,000/- has since been deposited and the petitioners undertake that the remaining amount shall be deposited within a period of six



months hereof.

4. Be that as it may, 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 petitioner 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 Sub-Divisional Judicial Magistrate, Aurangabad in connection with Goh P.S. Case No. 209 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) That 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) 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.

5. Provisional bail shall be confirmed upon verification



by the learned Court below that an amount of Rs. 3,00,000/- has already been deposited and the remaining amount of Rs.16,14,365.65 is paid in full in six equal monthly instalments, the first of which shall be paid by 31st of March, 2019. In case, the amount of Rs. 3,00,000/- has not been paid or there is default in making payment of two consecutive instalments within the stipulated time as aforesaid, the provisional bail shall stand cancelled.

(Vikash Jain, J)

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