

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75865 of 2019

Arising Out of PS. Case No.-111 Year-2015 Thana- SAUR BAZAR District- Saharsa

AVINASH KUMAR JHA Son of Indra Kant jha Resident of Village-
Chandrayan,P.S.- Nauhatta, District- saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate.

For the Opposite Party/s : Mr.Parmeshwar Mehta, APP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 05-03-2020 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 406, 409, 420 of the Indian Penal Code and Sections 13(2), 13(1)(d) of Prevention of Corruption Act.

The FIR was lodged against the proprietor of the rice mill alleging therein misappropriation of the cost of rice and non-deposit of the same with the State Food Corporation, Saharsa. Petitioner is the employee of the State Food Corporation.

Submission is that name of the petitioner surfaced during investigation that petitioner was also in collusion with the miller which resulted in non-refund of the entire cost of the rice. Moreover, the miller was allowed anticipatory bail by a Coordinate Bench of this Court on condition of deposit of 20 percent of the due amount. Petitioner is also ready to deposit 10 percent of the said amount with condition that if the miller would deposit entire amount, the



petitioner would be entitled to get back the 10 percent amount.

After deposit of 10 percent of the amount, the petitioner shall be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Saur Bazar Police Station Case No. 111 of 2015, subject to the following conditions:-

(a) The petitioner shall fully cooperate with the investigation/trial of the case, failing which the learned court below shall be at liberty to cancel the bail bond of the petitioner.

(b) Both the bailors shall be resident of the territorial jurisdiction of the learned court below.

(c) The petitioner shall not leave the country without permission of the learned trial court.

(Birendra Kumar, J)

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