

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.790 of 2020

Arising Out of PS. Case No.-138 Year-2019 Thana- SILAO District- Nalanda

DHARMENDRA KUMAR Son of Late Baldeo Mahto Resident of Village
and Post - Dharhara, P.S.- Silao, District - Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bhola Prasad Singh Co-operative Extension Officer Silaw, P.S.- Silaw,
District - Nalanda Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rudal Singh

For the Opposite Party/s : Mr.Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 19-01-2021 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 406, 409, 420/34 of the Indian Penal Code.

The prosecution case, in brief, is that Rs. 16,09,033/- of rice is said to have been defalcated by the chairman of PACS, Dharhara.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case. The



petitioner happens to be the Chairman of the PACS, Dharhara. There was an allegation of misappropriation of foodgrains worth Rs. 16,09,033/- It has been submitted on behalf of the petitioner that the said allegation is misconceived one. There is no substantive evidence to show that the petitioner has misappropriated foodgrains procured for Bihar State Food & Civil Supplies Corporation. It is further submitted that the petitioner is ready to deposit an amount of Rs. 500,000/- (five lacs) which shall be subject to final outcome of the case.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, the petitioner is directed to deposit Rs. 250000/- subject to final outcome of the case within a period of six weeks from today and on doing so, the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, shall be released on provisional anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda, Bihar Sharif in connection with Silao P.S. Case No. 138 of 2019, subject to the conditions as laid down under Section 438(2) of



the Code of Criminal Procedure.

The rest amount of Rs. 2,50,000/- must be deposited within three months.

It is made clear that after deposit of total amount of Rs. 5,00,000/- the provisional anticipatory bail, granted to the petitioner shall be confirmed by the court below itself and if the petitioner fails to do so, the learned court below shall be at liberty to cancel the bail bonds of the petitioner and take appropriate steps in accordance with law.

(Sudhir Singh, J)

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