

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6502 of 2020

Arising Out of PS. Case No.-461 Year-2018 Thana- HILSA District- Nalanda

Vijay Shankar Singh, son of Late Laxmi Garai, Resident of Village - Belwa Par, P.S. - Hilsa, District - Nalanda.

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Anirudh Kumar Sinha, Advocate
For the State	:	Mr. Parmeshwar Mehta, APP
For the BSFC	:	Mr. Nirmal Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

11 07-09-2021 The matter has been taken up today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned counsel for the Bihar State Food and Civil Supplies Corporation as well as the learned APP for the State.

The petitioner seeks bail in connection with Hilsa P.S. Case No.461 of 2018 registered for the offence punishable under Section 420/409/34 of the Indian Penal Code.

It is submitted by Mr. Nirmal Kumar, learned



counsel for the Bihar State Food and Civil Supplies Corporation that the petitioner should be put to strict terms and at least 75% of the alleged defalcated amount of Rs.19,65,000/- should be paid before release, subject to payment of the balance in monthly instalment of Rs.1,00,000/-.

Learned counsel for the petitioner submits that the petitioner had been allowed anticipatory bail in Cr.Misc. No.15652 of 2019. As per the condition in the said order, he was required only to deposit Rs.1,65,000/- before submission of the bail bond and the balance by way of monthly instalment of Rs.1,50,000/-. Due to unavoidable reasons, the petitioner could not fulfil the said requirement and was taken into custody. After being taken into custody on 02.07.2019, the petitioner has been in jail for more than two years. He submits that the petitioner has suffered sufficiently for not being able to avail the benefit of order passed in Cr.Misc. No.15652 of 2019; on account of his two years' custody in the meantime. However, in order to establish his *bona fides*, it has been submitted that the petitioner would deposit Rs.7,65,000/- (Rupees Seven lac sixty five thousand), out of the alleged outstanding amount of Rs.19,65,000/- (Rupees Nineteen lac sixty five thousand) and thereafter would be obtaining his release by submission of the



bail bonds. The balance amount would be paid by him in equal monthly instalment of Rs.1,00,000/- (Rupees One lac).

This Court finds the said commitment of the petitioner to be reasonable and just having regard to the facts and circumstances taken note of herein above.

Prayer for bail is allowed on the aforesaid terms.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Hilsa, Nalanda, in connection with Hilsa P.S. Case No.461 of 2018, subject to the aforesaid terms as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.



It is needless to say that in the event of non-compliance of the commitment/undertaking of the petitioner being recorded in this order, the opposite parties as well as the court below are free to take appropriate action which may include cancellation of the petitioner's bail.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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