

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62306 of 2021**

Arising Out of PS. Case No.-76 Year-2016 Thana- HULASGANJ District- Jehanabad

ASHOK KUMAR Son of Sri Ramashankar Sharma Village - Birra, P.S. -
Hulasganj, District - Jehanabad (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar

For the Opposite Party/s : Mr.Parmeshwar Mehta

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

10 26-09-2022 Supplementary affidavit has been filed on behalf of
the petitioner. Let it be kept on record.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Hulasganj P.S. Case No. 76 of 2016 , registered for the offences
punishable under Section 406, 409, 420 and 120(B) of the
Indian Penal Code.

As per prosecution case, the petitioner has
procured 4403.60 quintal of paddy from the cultivators by
31.03.2016. It is further alleged that petitioner was required to
deposit 67 per cent CMR of the total procured paddy which



comes to 2950.41 quintal but the petitioner had supplied only 1789.42 quintal of CMR to the State Food Corporation and as such petitioner defalcated amount of Rs. 24,86,597.

Learned counsel for the petitioner submits that petitioner is in custody since 04.12.2020 and bears one criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that certificate case no. 01 of 16-17 has been filed in this regard. He further submits that at the relevant time petitioner was Chairman of Hulasganj Vyapar Mandal but the Vyapar Mandal Hulasganj has no its godown nor the petitioner has any rice mill due to which paddy was stored in open field resulting in heavy damage of paddy. He further submits that petitioner is ready to deposit 10 per cent amount of Rs. 24,86,597 at the time of execution of bail bond and he will deposit the remaining amount within a period of one year.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, and the positive attitude of petitioner regarding making payment of Rs. 24,86,597 as submitted through the supplementary affidavit , charge sheet has been



submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Jehanabad in connection with Hulasganj P.S. Case No. 76 of 2016 , subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) Petitioner shall abide by the affidavit filed by him regarding making payment of Rs. 24,86,597, as submitted through supplementary affidavit.

(v) Petitioner has also to deposit 10 per cent of total



amount of Rs. 24,86,597/- at the time of executing bail bond.

(v) However, if petitioner violates any of the conditions as enumerated above, the court below is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

vashudha/-

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