

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32483 of 2022**

Arising Out of PS. Case No.-139 Year-2017 Thana- DULHIN BAZAR District- Patna

Kalyan Singh @ Sonu S/o Shri Chndeshwar Singh R/o Kukri Bigha, P.S.-
Dulhin Bazar, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 13-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 468, 467, 471, 419 and 420
of the Indian Penal Code.

According to prosecution case, the petitioner had
procured paddy of 4038.80 quintal and as per ratio of 67%, he
was duty bound to supply total rice of 2705.99 quintals to the
SFC, Patna but he had supplied only 1500.46 quintals CMR to
the SFC and the rest 1205.53 quintal rice is due against him. It
has further been alleged that on repeated notices and demand,



the petitioner has failed to deposit the said rice and he has given the paddy to the proprietor of Suchitra Rice Mill without taking advance rice.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that the petitioner was PACS Chairman in the period in question. He further submits that for the same occurrence, the petitioner has also filed a complaint case bearing Complaint Case No. 647 of 2017 before the learned Additional Chief Judicial Magistrate, Danapur and the same culminated into Dulhin Bazar P.S. Case No. 16 of 2018. He further submits that on the instruction of the SDO, Paliganj, the petitioner's PACS has send the rice for milling to the said mill in question.

A counter affidavit has been filed on behalf of the District Magistrate, Patna, and in the counter affidavit it is categorically stated that the concern PACS in which the petitioner was the Chairman had to supply 2705.99 quintal CMR to the State Food Corporation where only 1500.46 quintal was supplied by the PACS and the petitioner has failed to supply the remaining 1205.53 quintal and the PACS of the petitioner has received the amount. He further submits that the police after



investigation submitted the charge sheet against the petitioner.
The petitioner is in custody since 23.06.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances and the period of custody, 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 Court below where the case is pending in connection with Dulhin Bazar P.S. Case No. 139 of 2017, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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