

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51018 of 2023

Arising Out of PS. Case No.-121 Year-2017 Thana- AURAI District- Muzaffarpur

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KAMLESH KUMAR @ KAMLESH TIWARI S/O RAM ANEK TIWARI
(Wrongly mentioned as Ram Anek Chaudhary), Resident of Village- Kothia
Shahila Balli, P.S- Hathauri, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 18-08-2023 1. Learned counsel for the petitioner, at the outset,

seeks permission to make necessary correction in para 1 of the

anticipatory bail application in course of the day.
2. Permission is accorded.
3. Heard learned counsel for the petitioner and

learned A.P.P. for the State.
4. The petitioner apprehends his arrest in a case

registered for the offences punishable under Sections 406, 409

and 420 of the Indian Penal Code.
5. Learned counsel for the petitioner submits that

earlier the petitioner has moved this Court seeking anticipatory

bail by filing Cr. Misc. No. 58377 of 2017 but the same was

rejected by order dated 27.04.2028.
6. The allegation in the FIR was that the petitioner



being the Chairman of PACS had received paddy for the financial year 2016-17 for the loan granted by the Central Co-operative Bank, Aurai. Further, the petitioner was asked to keep the paddy in his own godown and to supply the same to the attached rice miller but the CMR of the aforesaid paddy was not deposited by the petitioner in the FCI godown, Muzaffarpur. Further, the godown was inspected physically on 13.07.2017 and the paddy was not found in the godown.

7. Learned counsel for the petitioner submits that the present anticipatory bail application has been filed based on changed circumstances. It is further submitted that the petitioner has deposited the entire amount of Rs.6,84,700/- in the Central Co-operative Bank, Muzaffarpur and the bank has also given him no dues certificate on 09.02.2023 as would be evident from Annexure-3 to the anticipatory bail application. It is next submitted that petitioner will not abscond rather will face the trial and will prove his innocence.

8. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

9. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below



within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Aurai P.S. Case No. 121 of 2017, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

10. However, if the learned trial court comes to a conclusion that petitioner, after obtaining anticipatory bail, is trying to delay the trial in any manner, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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