

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50787 of 2022

Arising Out of PS. Case No.-147 Year-2022 Thana- KUSHESHWARASTHAN District-
Darbhanga

ANSHUMAN RAI S/o Kashi Nath Rai Resident of Flat No. 102, Block-B,
Girija Residency Apartment, P.S.- University, District- Darbhanga, at Present
Posted in SFC, Banka Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, State Food Corporation, Darbhanga Bihar
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Utkarsha Utpal, Advocate
For the Opposite Party/s : Mr.Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

8 09-10-2023 Heard Mr.Utkarsha Utpal, learned counsel for the
petitioner, learned counsel for the SFC and Mr.Parmeshwar
Mehta, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Kuseshwarsthan P.S.Case No. 147 of 2022, FIR
dated 27.04.2022 registered for the offences punishable under
Sections 406,407 and 420 of IPC.

3. As per allegation in the FIR, the petitioner has
defalcated Public Food Grain i.e. 11713.84 quintal of wheat of
9158.35 quintal of CMR amounting of Rs. 6,23,43,279/-.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in the present case. The
allegation as alleged in the FIR is false and fabricated and the
petitioner has not committed any offence as alleged in the FIR



and the petitioner has already informed the authority concerned with respect to the present occurrence and thereafter the authority has already filed the present FIR against the petitioner and other co-accused persons. Learned counsel for the petitioner submits that no cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and in fact at the time of the occurrence the petitioner was deputed at the Godown of the S.F.C. and he was not present at the place of occurrence.

5. Learned counsel for the S.F.C. and the learned APP for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of the petitioner and submits that although the petitioner was not present but the petitioner was Incharge of the said Godown in question and he is sole responsible for the present occurrence and the authority also issued a show cause to the petitioner and petitioner has also replied to the same but fairly submits that the SIT has been constituted to investigate the present occurrence. Further submits that the petitioner carries one more case other than the present one.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the



court below within a period of thirty days from the date of receipt of the order, 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 learned S.D.J.M., Darbhanga in connection with Kuseshwarsthan P.S.Case No. 147 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bonds shall be cancelled by the Court below.

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

(III) 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/her criminal antecedents, 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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