

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3023 of 2023

Arising Out of PS. Case No.-479 Year-2022 Thana- BAGHA District- West Champaran

SANJAY PRASAD Son of Gopal Prasad Prop. Sanjay Canteen House
Nalanda, Resident of Village - Mudhari, P.S.- Harnaut, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amar Nath Singh
For the Opposite Party/s : Mr. Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-05-2023 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Bagaha Police Station Case No. 479 of 2022 dated 06.07.2022, disclosing offences under Sections 409/420 of the Indian Penal Code.

The allegation against the petitioner, on the basis of the First Information Report, is that the petitioner supplied the study materials to the newly constructed Residential Schools under Tirhut district, which was found to be sub-standard.

Learned counsel for the petitioner submits that the petitioner is a registered supplier and after being successful in the tender process, the order was placed in the year 2018. The petitioner supplied various materials to the school viz. registers,



single line copy, four line copy, pen, instrument box, mufflers of Oswal Company etc. and authority, after being satisfied with the quality of the supplied materials, accepted the same. After lapse of four years, First Information Report has been lodged alleging that the materials supplied by the petitioner was sub-standard. Learned counsel further submits that similarly situated co-accused another suppliers approached this Court in anticipatory bail and they have been granted bail by a Co-ordinate Bench of this Court in Criminal Miscellaneous No. 61997 of 2022 and 60705 of 2022. Learned counsel next submits that custodial interrogation of the petitioner may not be required at this stage and the petitioner is ready to participate in the trial.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that similarly situated co-accused suppliers have been granted bail by a Co-ordinate Bench of this Court, accordingly, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, 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 Additional Chief Judicial Magistrate-I, Bagaha, West Champaran, in connection with Bagaha Police Station Case No. 479 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled

(Anil Kumar Sinha, J)

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