

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51782 of 2024

Arising Out of PS. Case No.-316 Year-2012 Thana- BAKHARI District- Begusarai

Krishna Choudhary @ Krishna Prasad S/o- Late Fagu Choudhary Resident of
village- chandpur bela P.s-Jakkanpur Distt- Patna Petitioner/s
Versus

1. The State of Bihar
2. The Managing Director of Bihar State Food Corp. Ltd. Patna Bihar
... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sarvottam Kumar, Advocate
For the Opposite Party/s :	Mr. Parmeshwar Mehta, APP
For the BSFC :	Mr. Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 16-04-2025 Heard Mr. Sarvottam Kumar, learned counsel for
the petitioner, Mr. Parmeshwar Mehta, learned Additional Public
Prosecutor for the State and learned counsel for the Bihar State
Food Corporation.

2. The petitioner is apprehending his arrest in
connection with Bakhri P.S. Case No. 316 of 2012, F.I.R. dated
15.12.12 for the offences punishable under Sections 420, 409,
120B, 34 of the Indian Penal Code and Section 7 of the
Essential Commodities Act.

3. As per the First Information Report, the petitioner
was posted at BSFC Begusari as SFC office assistant. It is
alleged that the petitioner along with other co-accused persons
gave the dealer yellow receipt directly, which the dealer
misused. As a result BSFC lost a total of Rs. 4,86,845/- (Rupees



Four Lakh Eighty Six Thousand, Eight Hundred Forty Five).

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner is ready to pay the aforesaid amount in five equal installments.

5. Learned counsel for the BSFC has no objection if the petitioner is ready to pay the aforesaid amount to the BSFC.

6. Considering the aforesaid facts and circumstances, there is no specific allegation against the petitioner and the petitioner has clean antecedent, let the petitioner, above named, in the event of 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 the learned S.D.J.M. Begusarai in connection with Bakhri P.S. Case No. 316 of 2012, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) At the time of furnishing bail bond, the petitioner shall deposit Rs. One Lac by way of demand draft in favour of



the BSFC and the learned court below is directed to hand over the said demand draft to the representative of the BSFC and rest amount of Rs. 3,85,845/- (Three Lakh Eighty Five Thousand Eight Hundred Forty Five) shall be paid by way of demand draft by four equal installments within a period of four months. If the petitioner fails to deposit the rest amount of Rs. 3,85,845/- (Three Lakh Eighty Five Thousand Eight Hundred Forty Five) to the BSFC, the BSFC shall be at liberty to move before the appropriate forum for cancellation of bail bond of the petitioner.

ii. 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.

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. 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 bond 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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