

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24727 of 2013

Arising Out of PS.Case No. -20 Year- 2011 Thana -C.B.I CASE District- PATNA

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1. Chandeshwar Rai S/O Late Bindeshwari Rai Resident Of Village-
Barnaiya Raja Ram, Police Station- Gopalpur, District- Gopalganj.

.... Petitioner/s

Versus

1. The State Of Bihar Through CBI

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S.C.M. Jha, Advocate

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 01-05-2015 Heard learned counsel for the petitioner and the

State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Section 409 of the Indian Penal Code, 13(2) read with Sections 13(1) (c) of the Prevention of Corruption Act.

It is alleged that between 01.10.2010 to 30.08.2011, 11,356.92.020 quintals of rice was found short in the Koiny Depot of the F.C.I. worth Rs. 2,75,47,365/- when the petitioner was the Depot in-charge.

It is submitted by the learned Sr. Counsel for the petitioner that petitioner was posted at the relevant place i.e. Koiny Depot between 01.10.2010 to 30.08.2011 and from para-3 of the letter of Area Manager, F.C.I., Chapra dated 24.11.2011 addressed to the Superintendent of Police, C.B.I.



for lodging F.I.R. suggests that no rice was received between 2010-11. The predecessor of the petitioner Ravi Shankar supplied 18,356 quintals of rice against the order of 7,000 quintals, for which the petitioner filed complaint case against Ravi Shankar, being Complaint Case No. 1653 of 2011, wherein cognizance has been taken and trial is going on. The said complaint was filed four months prior to the lodging of the First Information Report.

Learned counsel Mr. Bipin Kr. Sinha, appearing for the C.B.I., submits that the alleged shortage occurred between 01.10.2010 to 30.08.2011 during petitioner being depute in-charge and on conclusion of investigation the petitioner has been charge-sheeted. Though he has not disputed that the petitioner has cooperated during investigation. No process was ever issued or executed against the petitioner. No investigation with regard to complaint case filed by the petitioner at earlier point of time with regard to same shortage of rice, being made.

Considering the fact that now the charge-sheet has been submitted suggesting no requirement of custodial interrogation, this is not in dispute that the petitioner cooperated during investigation, petitioner filed a complaint case against his predecessor with regard to the same shortage at earlier point of time and the trial has not commenced as yet, let the above named petitioner be released on bail in the event of his arrest or surrender before the learned court below within

a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, CBI III, Patna in connection with Special Case No. 98 of 2011, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

However learned court below will be at liberty to cancel the bail bond of the petitioner if he defaults for two consecutive occasions without a reasonable cause.

(Dinesh Kumar Singh, J)

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