

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54918 of 2015

Arising Out of PS.Case No. -7 Year- 2000 Thana -C.B.I CASE District- MUZAFFARPUR

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Lal Babu Prasad son of late Jagarnath Prasad Resident of Village- Sirisiya,
P.s Jogapatti, district West Champaran(Bettiah)

.... Petitioner/s

Versus

The State of Bihar Through Vigilance Department, Bihar,

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ramakant Sharma(L.O,I/C Vigi)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-12-2015 Heard learned counsels for the petitioner and the

State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 409, 420, 465, 467, 468, 471, 477A, 120B, 109, 201 of the Indian Penal Code and 13 (1)(d) read with 13(2) of the Prevention of Corruption Act.

The prosecution case is that from Lauria Sugar Mill 998 bags of sugar were misappropriated by FIR named accused persons including the petitioner being Clerk by showing sale of the same to fake and fictitious purchasers. It is specifically alleged that in between 21.09.1990 to 28.09.1990 797 bags of sugar worth Rs.6,39,288/- were shown to have been sold to



M/S. Gopal and Company, Gola Road, Muzaffarpur whereas in between 21.09.1990 to 28.09.1990 200 bags of sugar worth Rs.1,60,800/- to M/S Loknath Chhoti Ramana, Bettiah, West Champaran. During preliminary enquiry, no firm/company in the name and style M/S. Gopal and company was not traced at Gola Road, Muzaffarpur whereas the other firm M/S. Loknath Chhoti Ramana was found in existence at Chhoti Ramana, Bettiah but its Director Nawal Kishor Dalmia was found dead by the time the enquiry was conducted. It is alleged against the petitioner that petitioner signed one of the invoices being Clerk at the relevant time.

It is submitted by learned counsel for the petitioner that for the alleged supply made in 1990, the FIR was lodged in 2000 but the investigation was concluded and Final Form/Chargesheet was submitted in 2011. The order of cognizance was passed on 23.07.2014 and consequently summons were issued. Earlier, the enquiry was conducted by the high officials of the Government of Bihar as well as Bihar State Sugar Corporation and they exonerated the petitioner and others. It is further submitted that similarly situated accused have been granted anticipatory bail vide Cr. Misc. No. 9225 of 2000 and Cr. Misc. No. 8470 of 2000. Since the investigation

has concluded, there is no need of custodial interrogation.

Petitioner was a clerk and now he is no more in service.

It is submitted by learned counsel for the Vigilance that the petitioner was named in the FIR and, now after conclusion of investigation, chargesheet has been submitted and order taking cognizance has been passed.

Considering the fact that petitioner was named in the FIR and the case was instituted in 2000, this Court is not inclined to consider the prayer for anticipatory bail but considering the fact that investigation has already been concluded, other accused persons have been granted anticipatory bail by co-ordinate Bench of this Court and the petitioner has already retired, no useful purpose will be served putting him in custody now.

Hence, it is a case for consideration of regular bail of the Petitioner by learned court below. It is expected that learned court below will dispose of the regular bail application of the petitioner preferably on the same day, in case the petitioner surrenders within a period of six weeks from today in connection with Special Case No.94 of 2002, pending in the Court of learned Special Judge, Vigilance, North Bihar, Muzaffarpur.

The application is disposed of with the aforesaid observation/direction.

(Dinesh Kumar Singh, J)

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