

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27071 of 2015

Arising Out of PS.Case No. -15 Year- 2015 Thana -CHAND District- BHABHUA (KAIMUR)

Binod Kumar, son of Nathun Chaudhary, Resident of village/Mohalla Judge Bazar, Bihiya, P.S.- Bihiya, District- Bhojpur and at present posted as Block Agriculture Officer, Nimchak Bathani Gaya, P.S.- Nimchak Bathani, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar
2. District Manager, Bihar State Food and Civil Supply Corporation Ltd, Bhabhua, Kaimur.

.... Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Thakur Mr. Nilesh Kumar Mr. Krishna Chandra
For the Opposite Party/s	:	Mr. R.S. Pradhan, Sr. Advocate Mr. Shailendra kumar Singh, Mr. Bharat Bhushan(App)

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

3 02-07-2015 Heard Mr. Ajay Thakur for the petitioner and Mr. Pradhan for the opposite party.

Petitioner is the Block Agriculture Officer who was Incharge of the Procurement Centre. The allegation is that he in due discharge of duties committed serious financial irregularities and thereby misappropriation in the sum of Rs. 53,85,076/-

Diverse submissions have been made by the petitioner. It has been stated that on payment of certain percentage of the amount which is said to have been misappropriated, diverse orders granting anticipatory bail have been passed by this Court. Few orders have also been produced by both the parties in order to

demonstrate that privilege of anticipatory bail has been granted to several accused facing identical/similar allegations

Counsel for the opposite party has not disputed the aforesaid contention of Mr. Thakur. It has been stated by Mr. Pradhan that the amount which this Court will direct should be paid to the Managing Director of the Bihar State Food and Civil Supplies Corporation Ltd, Patna.

Considering the facts and circumstances of the case, in the event of arrest or surrender in the Court below within four weeks, the petitioner abovenamed is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri A.K. Singh, Judicial Magistrate, 1st Class, Kaimur at Bhabhua in Chand P.S. Case No. 15 of 2015 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to

cancel the bail bond of the petitioner and secure his arrest in accordance with law.

(iii) Along with the bail bonds, the petitioner shall deposit demand draft favouring Bihar State Food and Civil Supplies Corporation Ltd. in the sum of 25 % of the amount which is said to have been misappropriated by the petitioner as per the F.I.R.

It is made clear that such deposit if made by the petitioner shall be without prejudice to his right and defence of the parties and abide by the final outcome of the proceeding.

Pankaj/-

(Kishore Kumar Mandal, J)

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