

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37538 of 2015

Arising Out of PS.Case No. -554 Year- 2014 Thana -KRITYANAND NAGAR District- PURNIA

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1. Abhishek Kumar S/o Sri Ranjeet Singh Executive Assistant, Sri Nagar Block, Purnea, Resident of Mohalla - Khuskibag, P.S. - Sadar, Purnea, District - Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food and Civil Supplies Corporation Limited, Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. N. K. Agrawal, Sr. Advocate.
Mr. Satya Prakash Sinha, Advocate.
For the State : Mr. Rajendra Singh Shastrijee (APP)
For the B.S.F.C. : Mr. Shailendra Kumar Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

10 12-01-2016 Heard the learned counsel for the petitioner, the learned A.P.P. as also the learned counsel for the B.S.F.C.

The petitioner seeks bail in a case for the offences punishable under sections 409, 420 and 120 (B)/34 of the I.P.C

Allegedly, the petitioner and co-accused being in collusion and conspiracy misappropriated 884.950 metric ton of paddy valued at Rs. 1,42,86,632=80 paisa and the petitioner was deputed at paddy purchase centre, Srinagar at that time.

Submission is of false implication and that the petitioner was deputed as the Executive Assistant by the District Magistrate, Purnea on contract basis and accordingly he joined his



duty and was performing the work. The paddy was destroyed due to rain and also due to rat and heat, 94 sacks of paddy was found rotten on physical check as per order of the S.D.O. Purnea vide memo No. 62 dated 23.02.2015 and during investigation four PAX Chairman were examined by the Investigating Officer vide paragraphs- 10, 11, 12 and 13 of the case diary and the said statement shows that all the responsibilities regarding to receive and supply of paddy to the Miller was of the co-accused Guru Prasad Mandal and only duty of the petitioner was to issue receipt and mentioning data entry, the petitioner is suffering in custody since 18.06.2015 after his surrender having no criminal antecedent, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and further up till now no prosecution witness has been examined resulting in near future the trial is not likely to be concluded and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. and the learned counsel for B.S.F.C. opposes prayer for bail by submitting that the petitioner and co-accused have misappropriated the huge quantity of paddy which were purchased by the farmers and were not supplied to the rice miller.

In the facts and circumstances as stated above,

considering that in near future the trial is not likely to be concluded, there is no material to show that the petitioner after release will tamper the prosecution evidence and as such the petitioner is directed to 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 Smt. Shachi Mishra, J.M. 1st Class, Purnea in K. Nagar (Sri Nagar) P.S. Case No. 554 of 2014, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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