

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.569 of 2016

Arising Out of PS.Case No. -6 Year- 2012 Thana -C.B.I CASE District- PATNA

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1. Garib Das Son of Late Madan Lal Mandal, Resident of Village - Gorihare, P.S. - Forbesganj, District - Araria.
 2. Ram Sharan Mandal, Son of Late Shital Prasad Mandal, Resident of Village - Bhangaha, P.S. - Falka, District - Katihar.

.... Petitioners

Versus

1. The State of Bihar Through C.B.I.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ajay Kumar Thakur, Advocate &
Mr. Malay Choudhary, Advocate.

For the Opposite Party : Mr. Bipin Kumar Sinha (SC/CBI)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

6 08-04-2016 Heard the learned counsel for the petitioners as well

as the learned counsel for the C.B.I.

The petitioners seek bail in a case for the offences punishable under section 120 B read with section 409 of the I.P.C and section 13 (2) read with section 13 (i) © and (d) of the Prevention of Corruption Act, 1988.

Allegedly, the petitioners and other co-accused in furtherance of the criminal conspiracy by committing criminal breach of trust misappropriated the food-grains to the tune of Rs. 4,29,25,651/- stored at FSD Saharsa. After investigation it reveals that the petitioner Garib Das being an Assistant Grade-II and the then Incharge of Shed No.II of the depot has caused wrongful loss

to the tune of Rs. 41,12,099/-, whereas, the petitioner Ram Sharan Mandal being an Assistant Grade-I and the then Incharge of Shed No. I of the depot has caused wrongful loss to the tune of Rs. 1,99,38,889/-.

Submission is of false implication and that the petitioners are not liable for the alleged loss, they have been simply made the escape goat in the present case, the entire godowns including the sheds were being managed by the Depot Manager but it is strange that they have been let off and the large quantity of the bags were lying outside in the open sky and the corporation has not provided any shed or adequate plastic sheets as a result of which in rainy season and summer season the same was being heavily damaged and for that the petitioners sent letters regularly to the Godown Manager as well as copies of the same were sent to the Regional Manager for proper lifting of those grains or for making proper arrangement of their safety and security, the petitioners have already been superannuated and they have been debarred from the retiral benefits, the petitioner Ram Sharan Mandal has met an accident and he was under the treatment of the doctor, his condition is being deteriorated in the custody, charges have already been framed and the case is pending for the prosecution evidence, there is no chance of tampering with

the prosecution evidence and as such the petitioners who are suffering in custody since 24.11.2015 now deserve sympathetic consideration, to which the learned counsel for the C.B.I. opposes by submitting that the petitioners have misappropriated huge amount of the public money.

In the facts and circumstances as stated above, considering detention of the petitioners and further that there is no chance of tampering with the prosecution evidence and as such they are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the Special Judge, CBI, Patna in Special Case No. 6 of 2012 arising out of RC Case No. 6A of 2012, 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 petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

Let the copy of the case diary be returned at once.

(Jitendra Mohan Sharma, J)

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