

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47480 of 2016

Arising Out of PS.Case No. -228 Year- 2015 Thana -KAHALGAON District- BHAGALPUR

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Birendra Lal @ Virendra Kumar Lal Das, Son of Pitamber Lal Das,
Resident of Village-Dheruk P.S.- Bhera, District-Darbhanga

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bipin Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 24-11-2016 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in custody since
24.08.2016 in connection with Kahalgaon/ Rasalpur P.S. Case No.
228/15, corresponding to G.R. No. 2127/15 for offences
punishable under Sections 406, 409, 420, 467, 168, 474/34 of the
Indian Penal Code.

The prosecution case, as lodged by the Block
Agricultural Officer, is that the petitioner, who is a Revenue
Officer in the said block, has prepared a list of beneficiaries,
whereby on enquiry it has been found that the petitioner along
with other accused persons have given subsidy in an illegal
manner.

It has been submitted by the learned counsel for



the petitioner that he is a Government servant and has no criminal antecedent. He submits that as per the notification issued by the Agriculture Department vide letter No. 1998 dated 28.04.2015(Annexure-2) wherein at para 6 it has been stated that the list of beneficiaries is to be prepared by the Halka Karmchari, Circle Inspector or the Circle Officer and at para 5 it has been stated that the Drawing And Disbursing Officer is the Block Development Officer or the Circle Officer. Petitioner, being a Revenue Officer, has no role to play. He further submits that the charge-sheet has already been submitted against him and the materials available does not reveal such incriminating materials, which would warrant further detention of the petitioner in custody, which would adversely affect his trial.

However, learned APP for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, in connection with Kahalgaon/ Rasalpur P.S. Case No. 228/15, corresponding to G.R. No. 2127/15.

This direction of bail is further subject to the condition that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear before the learned Court below as and when directed.

With these observations and directions, this application stands allowed.

(Nilu Agrawal, J.)

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