

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50847 of 2015

Arising Out of PS.Case No. -54 Year- 2015 Thana -DURAULI District- SIWAN

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Om Prakash Yadav Son of Late Nand Lal Ray, Resident of village-
Haripur, P.S.- Hasanpur, District- Samastipur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Krishna Prasad Singh, Advocate
For the Opposite Party : Mr. Anita Kumari Singh, APP
For the Opposite Party No.2 : Mr. Ram Shankar Pradhan, Sr.Advocate

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 02-03-2016 Heard learned counsel for the petitioners, counsel for the

and O.P. No.2 and learned counsel for the State.

The petitioner is apprehending his arrest in connection
with Darauli P.S. Case No. 54 of 2015 for the offences instituted
under Sections 409 and 420 of the Indian Penal Code and Section
7 of the E.C.Act.

As per the prosecution case that the petitioner was the
then Block Agriculture Officer-cum-Purchase Officer at Centre
appointed by the District Officer, Siwan and he purchased 15363
quintals of wheat from the agriculturists/packs out which 14366.53
quintals wheat were stored in the Godown of Food Corporation
and rest 996.47 quintals were auctioned by the petitioner only
872.90 were supplied to the auction purchasers and rest 123.57

quintals wheat were not supplied and thus it was defalcated which costs of Rs.176215.76/-

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. Petitioner is a Block Agriculture Officer. He has been made accused due to mistake of fact. There is no substantive evidence to show his implication in the present case. It is further submitted that the petitioner is ready to deposit an amount of Rs.50,000/- in the court below which shall be subject to the final disposal of the case.

On behalf of the State and the counsel for the Bihar State Food Supply Corporation, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that the petitioner shall deposit an amount of Rs.50,000/- in the court below which shall be subject to the final disposal of the case and on doing so, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Darauli P.S. Case No. 54 of 2015 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Siwan, subject to the conditions as laid down under Section 438(2) of the

Code of Criminal Procedure.

(Sudhir Singh, J)

B.Kr./-

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