

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52273 of 2015

Arising Out of PS.Case No. -198 Year- 2015 Thana -ITADHI District- BUXAR

Nityanand Sinha, Son of Upendra Nand Sing, Resident of Village-Ghorhua,
P.S. Masaurhi, District-Patna at presently posted as Junior Engineer Small
Irrigation Division, Arrah, Buxar cum Incharge Purchase Centre, Baksarha
Unwas Itarhi, District-Buxar.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar
For the Opposite Party/s : Mr. R.P.S.Singh (App)
For B.S.F.C : Mr. Shailendra Kumar Singh

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

6 21-01-2016 Heard learned counsel for the petitioner, learned counsel
for the State and learned counsel appearing on behalf of the
B.S.F.C.

The petitioner is apprehending his arrest in connection with
Itarhi P.S. Case No. 198 of 2015, registered for offences punishable
under Sections 406, 408, 409 and 420 of the Indian Penal Code.

Learned counsel for the petitioner submits that he is the
Junior Engineer of Minor Irrigation Department and has been
posted on deputation as In-charge Purchase Centre, Unwas, Buxar.
The allegation against the petitioner is that he has misdirected and
misappropriated paddy worth Rs. 96,59,193.81 resulting into huge
loss to the State Food Corporation. Learned Counsel for the
petitioner submits that such an allegation is wholly misconceived



as admittedly, the District Manager vide his letter dated 10.03.2015 had issued notice to the petitioner as well as two others, namely, Anil Kumar, Jansewak –cum- Assistant and Shri Sonu Kumar, Executive Assistant of the purchase centre at Unwas Buxar. He further submits that though vide present letter, the petitioner as well as two others had been asked to refund the money within a period of one week, only the petitioner for reasons best known to the District Manager was singled out and the present prosecution was lodged only against him. He further submits that if at all, there was any loss occurred to the Corporation, the petitioner cannot alone be saddled for the same.

Learned counsel appearing on behalf of the B.S.F.C strenuously urges that the petitioner was the person who was making the relevant purchases and only the petitioner is responsible for the said loss and, therefore, the F.I.R has been lodged only against him.

However, considering the facts and circumstances narrated above and taking into consideration the fact that the petitioner is a Government employee and presently posted at Arrah in his parent Department i.e. Minor Irrigation and is not likely to affect the investigation in any manner and is also willing and ready to be cooperative with the investigation and will appear

as and when called upon, let the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 10,000 (Rs. Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Buxar in connection with Itarhi P.S. Case No. 198 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

It is made clear that this order is being passed only on the undertaking given by the petitioner that he shall extend his full cooperation in the investigation and appear as and when required by the Court below.

(Anjana Mishra, J)

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