

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39538 of 2016

Arising Out of PS.Case No. -85 Year- 2016 Thana -SONBERSA District- SAHARSA

1. Chandan Kumar - M/S Shivam Traders, Simri Bakhtiyarpur. Son of upendra Yadav Resident of Village- Mahi Khar P.S- Bakhtiyarpur, Dsitrict - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.39649 of 2016

Arising Out of PS.Case No. -85 Year- 2016 Thana -SONBERSA District- SAHARSA

1. Dhirendra Kumar @ Dharmendra Kumar, S/o Late Indradeo Prasad Yadav, Resident of village- Jamhra, P.S.- Sour Bazar, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.39538 of 2016)

For the Petitioner/s : Mr. Amarnath Jha

For the Opposite Party/s : Mr. Yogendra Kr.Singh(App)

(In Cr.Misc. No.39649 of 2016)

For the Petitioner/s : Mr. Shailendra Kumar Singh

For the Opposite Party/s : Mr. Sri Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

3 28-10-2016 Heard both sides.

The petitioners apprehend their arrest in Sonbersa Raj P.S. Case No. 85/2016, registered for the offences punishable under Sections 406, 409, 420 and 34 of the Indian Penal Code.

The petitioner Chandan Kumar is the supplier of

folding irrigation pipes and Dhirendra Kumar is Agriculture Co-ordinator and they are alleged to have conspired with each other in showing the supply of folding irrigation pipes to farmers and obtained subsidy of supply of folding irrigation pipes.

Learned counsel for the petitioners submits that the petitioners did not receive any subsidy.

In para 25 of the case diary the District Agriculture officer disclosed that subsidy payment was stayed. The petitioners supplied folding irrigation pipes to the farmers on the basis of the coupon issued by the Block Agriculture Officer. There is no role of Agriculture Co-ordinator in supply of folding irrigation pipes to the farmers. Once the coupon is issued to the farmers for getting the pipes, it is the duty of Block Agriculture Officer to verify the supply of pipes.

Considering the facts aforesaid and the fact that no payment of subsidy was made to the suppliers, petitioners above named in the event of their 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, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Saharsa in

connection with Sonbarsa Raj P.S. Case No. 85/2016,
corresponding to G.R. No. 1574/2016, subject to the conditions as
laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

Rakhi

U		T	
---	--	---	--