

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17993 of 2016

Arising Out of PS.Case No. -174 Year- 2015 Thana -NAWANGAR District- BUXAR

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1. Shiv Kumar Rai Son of Sri Raja Rai Resident of Village- Dhangard PS
Vikramganj, District Rohtas..... Petitioner

Versus

1. The State of Bihar.
2. Bihar State Food & Civil Supplies Corporation Ltd.

..... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Nilesh Kumar
For the Opposite Party/s : Mr. Amrendra Prasad(App)
For BSFC : Ms. Aishwarya Ritu, Advocate

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

4 24-06-2016 Heard learned counsel for the petitioner, learned

counsel representing the State and learned counsel appearing on

behalf of BSFC.

The petitioner seeks bail in connection with Nawanagar
P.S. Case No. 174 of 2015 registered for the offences punishable
under Sections 406, 409, 420 of the Indian Penal Code.

Allegedly, the petitioner being Block Co-operative
Extension Officer, Nawanagar –cum- Purchase Centre Incharge
purchased 57609.30 quintals paddy out of which only 56248.20
quintals paddy was made available to the rice miller, however,
after verifying the SIO irregularities committed by the petitioner
was detected and in this way the petitioner misappropriated the
amount of Rs. 34,38,692.73/-.



Submission is of false implication and that the petitioner was made incharge of the centre and two other persons were also deputed there, without making any proper inquiry the first information report was lodged, the paddy remains lying in the open space for years together for which the petitioner cannot be held liable, the petitioner requested several times to the District Magistrate to lift the paddy from procurement centre but in vain, the petitioner was transferred from Buxar to Bikramganj vide memo No. 3452 dated 27.06.2014 and he was relieved on 19.08.2014 after handing over charge and thereafter, he has been implicated falsely, resulting he is suffering in custody since 09.02.2016 to which learned APP duly assisted by learned counsel for the BSFC opposes by submitting that the petitioner has caused heavy loss to the exchequer of the Government and chargesheet has also been submitted against the petitioner.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in connection with Nawanagar P.S. Case No.

174 of 2015, 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 petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

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(Jitendra Mohan Sharma, J)

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