

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.326 of 2016

Arising Out of PS.Case No. -25 Year- 2012 Thana -C.B.I CASE District- PATNA

=====

1. Upendra Prasad Singh, son of Late Saryug Singh, Resident of Mohalla
Paharpur, West from Devi Sthan, P.S- Gardanibagh, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through C.B.I.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.
Mr. Amit Kumar, Adv.

For the Opposite Party/s : Mr. Bipin Kumar Sinha (SC/CBI)

=====

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER**

2 06-01-2016 Heard learned counsel for the petitioner as well as
learned counsel appearing for the C.B.I.

Petitioner is said to be shed In-charge and during
his tenure shortage of grains was found and according to
prosecution case, he caused loss to the department to the tune
of near about rupees fifty three lacs.

It is an admitted position that earlier petitioner was
granted anticipatory bail provisionally by a co-ordinate bench
of this court with direction to him to deposit the amount in
question with concerned department but petitioner could not

deposit the said amount resulting refusal of extension of period of provisional bail and against that order petitioner went before the Hon'ble Supreme Court but failed to get any relief and thereafter, petitioner voluntarily surrendered before the court below.

Learned counsel appearing for the petitioner submits that a departmental proceeding had also been initiated against the petitioner and the enquiry officer found the charges not proved against the petitioner but the disciplinary authority did not accept the finding of enquiry officer and imposed penalty of compulsory retirement from the service and also directed for recovery of rupees ten lacs from the admissible terminal dues of the petitioner. It is further submitted on behalf of the petitioner that the aforesaid finding of disciplinary authority goes to show that actual loss caused to the department was of rupees ten lacs only and moreover, petitioner has sufficiently been punished by remaining in jail custody for near about one month whereas other accused have already been granted privilege of bail.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten

Thousand) with two sureties of the like amount each to the satisfaction of Special Judge, C.B.I.-III, Patna in connection with Special Case No. 01 of 2013 arising out of RC Case No. 25 A of 2012.

(Hemant Kumar Srivastava, J)

SHAHZAD/-

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