

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8997 of 2016

Arising Out of PS.Case No. -38 Year- 2015 Thana -SIGORI District- PATNA

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Shrawan Kumar, Son of Late Gopi Nath Pandey, Resident of Village -
Tekari, P.S. - Gaya, District - Gaya at Present resident of Diwn Mohalla,
P.S. Patna City, District - Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjay Singh, Advocate,
Mr. Bipin Kumar, Advocate

For the Opposite Party : Mr. Anuj Kr.Srivastav(APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 12-05-2016 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner apprehends his arrest in connection with
Sigori P.S. Case No. 38 of 2015 for the offences punishable under
Sections 406, 409, 420, 465, 468, 477(A)/34 of the Indian Penal
Code.

The prosecution case is that the informant Pradeep
Kumar Gupta, gave his written report, before the S.H.O., Sigori
P.S., Patna, and according to the written report of the informant, it
transpires that the informant the District Manager of Food
Corporation alleged in the written report that DCLR, Paliganj-
cum-Nodel Officer submitted an enquiry report in respect of
purchase of Paddy during the year 2014-15 of Nadhari-Kodahari
PACS and a list of 68 agriculturist of the said PACS in respect of



purchase of paddy, in which 55 receipts were found forged and fabricated. The Circle Officer, Paliganj, without verification, receipts issued enforcement certificate with the result of which agriculturist got lacs of rupees as a bonus. According to the enquiry report of DCLR, the receipts were verified by the PACS Secretary namely Ram Pravesh Singh. The petitioner was the Enforcement Officer and so he was also made accused. So, it is alleged that accused-persons have committed criminal of breach and misappropriated the Government moony. They have also committed forgery for the purpose of cheating and falsification of accounts.

It has been submitted by the learned counsel for the petitioner that he is a Government employee posted as Circle Officer of Paliganj Block, the allegation upon him is only of enforcement and not of endorsement. He submits that the matter relates to procuring paddy from the farmers through PACS and giving it for milling to the Bihar State Food Corporation, who then issues cheques to the beneficiaries and gives commission to the PACS. The petitioner is nowhere related to the said transaction and it is only some enforcement, which is done at the level of the Circle Office by the Circle Officer. He further submits that although there are three cases pending against him, the matter relates to the same type of transaction where the petitioner as a

Circle Officer has made such enforcement. He further submits that being a Government Officer, no departmental proceeding has been initiated against him.

However, the learned APP for the State submits that the petitioner being a Circle Officer, had put his signatures enforcing the documents and no other allegation has been levelled against him, hence, opposes the prayer for bail.

Be that as it may, since the petitioner is a Government employee and no departmental proceeding has been initiated and the petitioner is not concerned with the transaction of subsidised food grains as it is between the PACS and the State Food Corporation and farmers and that the other co-accused has been granted the privilege of bail, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand only) with two sureties of the like amount each to the satisfaction of Sri Shyamal Kumar, J.M. 1st Class, Danapur in connection with Sigori P.S. Case No. 38 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J.)

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