

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.11975 of 2016

Arising Out of PS.Case No. -45 Year- 2015 Thana -SIGORI District- PATNA

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Shyamdeo Singh Yadav @ Shyamdeo Singh, Son of Rajendra Prasad,
Resident of Village-Narauli, Mathiya P.S. Sigori, District Patna ...Petitioner
Versus

The State of Bihar Opposite Party

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with

Criminal Miscellaneous No.9958 of 2016

Arising Out of PS.Case No. -45 Year- 2015 Thana -SIGORI District- PATNA

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Sharwan 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 :

(In Cr.Misc. No.11975 of 2016)

For the Petitioner/s : Mr. Surajdeo Yadav, Advocate
With Mr. Prem Ranjan Kumar, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, A.P.P.

(In Cr.Misc. No.9958 of 2016)

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

For the Opposite Party/s : Mr. S.N.Shukla, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

3 11-05-2016 Both the Criminal Miscellaneous Applications arise out

of the same First Information Report and have, therefore, been

heard together and are being disposed of by the present common

order.

Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

These applications for grant of anticipatory bail arise
out of Sigori P.S. Case No. 45 of 2015, disclosing offences under
Sections 406, 409, 420, 465, 467, 468 and 477A/34 of the Indian

Penal Code.

Petitioner of Criminal Miscellaneous No. 11975 of 2016 was the Chairman of Sigori PACS in the district of Patna. Petitioner of Criminal Miscellaneous No. 9958 of 2016 was at the relevant point of time posted as Circle Officer of Paliganj Block. It is alleged against the petitioner namely, Shyamdeo Singh Yadav @ Shyamdeo Singh that he certified revenue receipts, on the basis of which, enforcement orders were issued for purchase of paddy from the farmers, which were found to be forged and fabricated. The petitioner namely, Sharwan Kumar is said to have issued enforcement orders for purchase of paddy after having received certificate from the Chairman of the PACS i.e. Shyamdeo Singh Yadav @ Shyamdeo Singh, petitioner of Criminal Miscellaneous No. 11975 of 2016. With the allegation that on the basis of incorrect certificates with respect to rent receipts, paddy was purchased from the farmers, who were not entitled to the benefit under the concerned scheme.

Learned counsel appearing on behalf of the petitioners have submitted that the certificates and the enforcement orders were issued on the basis of rent receipts submitted by the respective farmers and, if any, case of forgery or misappropriation is made out, the same is made out against those farmers. It has further been submitted that considering the status of these

petitioners, there is no likelihood that they would be fleeing from the course of investigation or trial if, they are granted privilege of anticipatory bail.

Considering the submissions as above and the nature of accusation, this application is allowed.

Let the petitioners, above-named, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Danapur and learned Additional Chief Judicial Magistrate, Danapur in connection with Sigori P.S. Case No. 45 of 2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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