

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27365 of 2016

Arising Out of PS.Case No. -223 Year- 2014 Thana -SALKHUA District- SAHARSA

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1. Vivekanand @ Vivekanand Roy @ Biveka Nand @ Bivekanand Roy S/o Late Indranarayan Roy, R/o Village- Baghwa, P.S.- Simri Bakhtiyarpur, District- Saharsa and Presently Agriculture Co-ordinator-cum-Incharge Paddy Procurement Centre, Banma Itahari, P.S.- Banma Itahari, District- Saharsa.

.... Petitioner/s

Versus

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

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. K.P.Singh
Dr. Rajesh Kumar Singh
For the State Mr. Chandrasen Pd. Singh
For opposite party no.2 Mr. Aditya Prakash Sahay

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

03/ 06.09.2016 Heard learned counsel for the petitioner, learned Addl. Public Prosecutor as well as learned counsel for the Bihar State Food & Supplies Corporation Ltd.

Petitioner seeks bail in a case registered under sections 409 and 420/34 of the Indian Penal Code.

Petitioner was deputed as Incharge of Paddy Procurement Centre and in that capacity, he as well as one co- accused procured near about 17201.60 quintal paddy from different packs by making payment through cheques but the petitioner and co- accused could only give account of 5795.41 quintal paddy and it is alleged that rest paddy was embezzled causing damage to the concerned department to the tune of Rs 1.77 crores.



Submission on behalf of the petitioner is that, no doubt, petitioner was made incharge of the Centre but, as a matter of fact, manager and other officials committed the alleged crime for which petitioner filed complaint case bearing Complaint case no. 1879/2014 against District General Manager and others and the said complaint is still pending. However, it is submitted that the petitioner, without admitting the prosecution case, is ready to deposit Rs 20/- lakhs in instalment within a period of six months, if he is released on bail.

Learned counsel for the Bihar State Food & Supplies Corporation Ltd opposed the prayer but on the above stated proposal of the petitioner learned counsel submitted that, at least, petitioner should deposit 50 % of the amount in question.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of this fact that the petitioner is in jail custody since 22.1.2016 and investigation against the petitioner has already been completed, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Saharsa in Salkhua P.S. Case no. 223/2014 subject to condition that he shall deposit Rs 20/- lakhs with General Manager, Bihar State Food & Supplies Corporation Ltd, Saharsa, who shall take the aforesaid deposit and issue receipt thereof to the petitioner, in four instalments within six months from the date of his release, failing which the learned court below shall cancel the bail bonds of the petitioner.

It is made clear that first instalment shall be deposited by

the petitioner within one month from the date of his release from jail custody. It is also made clear that the above stated deposit shall be subject to result of the present case.

shahid

(Hemant Kumar Srivastava,J)

