

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18109 of 2016

Arising Out of PS.Case No. -103 Year- 2015 Thana -AMARPUR District- BANKA

Dharmendra Kumar, son of Sri Suresh Prasad Yadav, resident of Mohalla-
Babu Tola, Near Block Office, Police Station- Banka, District- Banka

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Rajib Ranjan Jha, Advocate

For the Opposite Party : Mr. P.K.Jha (APP)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-05-2016

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in connection with
Amarpur (Fullidumar) P.S. Case No. 103 of 2015 for the offences
punishable under Sections 406, 409, 420 and 34 of the Indian
Penal Code.

The Prosecution case is that the petitioner being the
then Block-Agriculture Officer-cum-Incharge Purchase Centre
Fullidumar, purchased 24440.20 quintals of paddy for the year
2011-2012 and as per direction, issued 22723.50 quintals of paddy
to the miller for milling and 1716.70 quintals paddy remained with
him which was on enquiry found not available in the godown. The
petitioner inspite of notices did not reply satisfactorily and thereby
he defalcated the 1716.70 quintals of paddy of the Government of

Bihar.



Learned Counsel for the petitioner submits that the petitioner was granted anticipatory bail in A.B.P. No. 622 of 2015 by the Sessions Judge, Banka on 11.08.2015 in connection with the same First Information Report. However, the petitioner misused the privilege of bail and was summoned to face trial after cognizance was taken against him, but he did not appear. Later on warrant of arrest was issued against him on 08.03.2016. Learned counsel for the petitioner submits that he has no criminal antecedent and his innocent having committed no offence. He further submits that the amount of 1716.70 quintals of paddy which was found deficit was auctioned sold and handed over, but if there is any deficit in deposit as alleged amount then he is ready to deposit the same in favour of the S.F.C. on verification. Learned counsel for the petitioner undertakes to deposit the remaining paddy in favour of the S.F.C. or the money thereof.

The learned A.P.P. for the State submits that petitioner has earlier misused the privilege of bail and named in the F.I.R. hence, does not deserve the payer of anticipatory bail.

Be that as it may, on the undertaking of the petitioner that he will deposit the deficit amount alleged to have been defalcated on account of non-deposit of paddy within a period of

one month of the verification by the S.F.C. authorities, 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 the learned Chief Judicial Magistrate, Banka in connection with Amarpur (Fullidumar) P.S. Case No. 103 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

It is made clear that the petitioner will cooperate with the investigation and appear before the police/Court as and when required and failure to appear on two consecutive dates, will be liable for cancellation of his bail bonds.

(Nilu Agrawal, J.)

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