

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53009 of 2016

Arising Out of PS.Case No. -45 Year- 2014 Thana -TARARI District- BHOJPUR

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Ganesh Kumar, Son of Late Agnideo Singh, resident of Village- Gidha, Police Station- Sahebganj in the district of Muzaffarpur presently under suspension from the post of Block Agriculture Officer, Minapur, Police Station Minapur, in the district of Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-12-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since 19.09.2016 in connection with Tarari P.S. Case No. 45/14 registered for the offences punishable under Sections 409, 420, 467 of the Indian Penal Code.

The prosecution case, as lodged by the District Agriculture Officer, Bhojpur at Ara, is that the petitioner while posted as Block Agriculture Officer, Tarari did not reimburse the diesel subsidy to the farmers and has, thus, embezzled Rs. 9,97,375/-, although the exact misappropriation was not stated in the First Information Report. In pursuance to the order passed by a



Coordinate Bench of this Court while hearing the anticipatory bail application of the petitioner earlier, this sum has been disclosed by the Director, Agriculture, Government of Bihar.

It has been submitted by the learned counsel for the petitioner that he is innocent, has falsely been implicated in the aforesaid case and non-disbursement of diesel subsidy was a false allegation as the accounts has not been reconciled, which has later been reconciled and Block Development Officer vide letter No. 641 dated 04.08.2016 has given no objection certificate that the said amount of diesel subsidy has been reconciled and nothing is due in the head of diesel subsidy. It is submitted that the petitioner is under suspension, is facing a departmental proceeding and the matter is still under investigation. It is further submitted that the petitioner has committed no offence and has falsely been implicated for misappropriation of Government fund.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, considering the facts and circumstances and the submissions of the parties, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like



amount each to the satisfaction of Ms. Divya Jaiswal, learned Judicial Magistrate, 1st Class, Bhojpur at Ara, in connection with Tarari P.S. Case No. 45/14, subject to the condition that petitioner will cooperate with the investigation and provide all papers and documents to the police/ court as and when required, failure of which will be liable for cancellation of his bail bonds.

(Nilu Agrawal, J.)

Rajesh/-

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