

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30132 of 2017

Arising Out of PS.Case No. -213 Year- 2016 Thana -PUNPUN District- PATNA

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Radhey Shyam Sharma Son of Late Idradeo Singh, resident of Village-
Urbishunpur, P.S.- Alipur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Sharma

For the Opposite Party/s : Mr. Sri Kalyan Shankar

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 02-08-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Punpun P.S. Case No.
213 of 2016 instituted for the offence under Sections-406, 409, 420,
467, 468, 471, 120(b), 34 of the Indian Penal Code.

The petitioner is Block Agriculture Officer. The written
report has been filed by the BDO, Punpun on the basis of surprise
inspection report of SDO, Masaurhi finding the irregularity and black-
marketing in the office of Block Agriculture Officer. The informant has
mentioned in the written report that he learnt from Sri Jitendra Sharma,
clerk in computer branch about the various irregularities as mentioned
in the written report. It is also alleged that he made payment of Rs.
85140/- to one Jay Hind Kumar, farmer advisor and owner of tractor
No. BR-1-GC-8395 in his account, which amount was meant for Zero
Teelage, Paddy, Transplanter etc of 129 farmers.



Counsel for the petitioner has submitted that all the irregularities pointed out in the written report are not based on any document. They are general in nature and so far as payment of Rs. 85140/- meant for Zero Teelage, Paddy, Transplanter etc of 129 farmers to Jay Hind Kumar is concerned; it has been pointed out that the same has been paid as per policy decision of the government as contained in Memo No. 359 dated 07-11-2014 issued by the Agriculture Director-cum-Mission Director, National Food Security Mission, Bihar, Patna. The farmers had utilized the tractor of Jay Hind Kumar for agriculture work and beneficiaries have not made any objection. The counsel for the petitioner has produced the copy of circular during hearing of the bail petition, which may be kept on record.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Punpun P.S. Case No. 213 of 2016 to the satisfaction of learned Sub Divisional Judicial Magistrate, Masaurhi, Patna City, Patna subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall



be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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