

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53185 of 2017

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

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1. Randhir Kumar, Son of Satya Narayan Singh, resident of village Saheb Nagar, P.O.- Jatdumari, P.S.- Gaurichak, District- Patna.
 2. Arvind Kumar, Son of Late Satyadeo Singh, Resident of Village- Katyampur, P.O. Katyampur, P.S. Peepra, District- Patna.
 3. Birendra Kumar Singh, Son of Sri Rajratan Singh, resident of Village Sarfabad, P.O. Nanladlabaad, P.S.- Gaurichak, District- Patna.
 4. Manoj Kumar Aged about 46 years, Son of Chandeshwar Singh, resident of Village Ganajpar, P.O. Maranchi, P.S. Punpun, District- Patna.
 5. Barjesh Kumar @ Brajesh Kumar, Son of Late Rajkishore Singh, resident of Village Baisa, P.O. Jatdumari, P.S. Punpun, District- Patna.
 6. Sanjay Kumar @ Sanjay Prasad Singh, Son of Satya Narayan Singh, resident of village Saheb Nagar, P.O. Jardumri, P.S. Gaurichak, District- Patna.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Dilip Kumar Roy, Advocate
For the Opposite Party : Mr. Anil Kumar Singh 1, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 09-11-2017 Heard learned counsels for the petitioners and the State.

2. The petitioners apprehend arrest in connection with Punpun P.S.Case No.213 of 2016 registered for an offence punishable under Sections 406, 409, 420, 467, 468, 471 and 120B/34 of the IPC.

3. 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.

4. The learned counsel for the petitioners 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 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. It has been further submitted that the liability of disbursing the amount is of Block Agriculture Officer, namely, Radhey Shyam Sharma and he has been allowed anticipatory bail by one of the coordinate Bench of this Court on 02.08.2017 passed in Cr.Misc.No.30132 of 2017 and one Jayhind Kumar Singh who happens to be member of farmer advisor committee and Kauleshwar Prasad Singh have been allowed anticipatory bail by another coordinate Benches in Cr.Misc.No.45085 of 2017 on 22.09.2017 and Cr.Misc.No.51003



of 2017 and so the petitioners also deserve anticipatory bail.

5. Considering the facts and circumstances of the case, prayer for anticipatory bail is allowed. Let the above named petitioners in the event of their arrest or surrender before the court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of SDJM, Masaurhi, Patna in connection with Punpun P.S. Case No.213 of 2016, subject to the conditions as laid down under Section 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) petitioners 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 petitioners and (3) if petitioners 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 petitioners.

(Sanjay Kumar, J)

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