

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55692 of 2017

Arising Out of PS.Case No. -131 Year- 2014 Thana -COMPLAINT CASE District- SHEOHAR

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Santosh Kumar Singh S/o Ram Sahay Singh, Proprietor Krishna wormy Compost Industries, Jahangirpur, At Jahangirpur, P.S.- Shyampur Bhatha, District- Sheohar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Santosh Sharma, S/o Dinbandhu Sharma, R/o Village- Harnahi, P.S.& District- Sheohar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar, Advocate.
For the Opposite Party/s : Mr. Abhay Kumar Roy, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 05-12-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Complaint Case No. C-131 of 2014** instituted for the offence under Sections 406 and 420 of the Indian Penal Code.

The instant complaint case has been lodged against the government officials alleging therein that the Complainant after obtaining permission from the District Agriculture Officer, Sheohar had purchased worm worth Rs.10,000/- from M/s Jai Gurudev Wormy Compost Industries, Durga Chowk, Kushar for the construction of 10 Units Wormy Compost Project launched by the State of Bihar. It is alleged that a sum of Rs.60,000/- was incurred by the complainant for completion of the above Compost



Project and had submitted the relevant documents in the Agriculture Office, Sheohar for payment of government subsidy amount. It is alleged that when the subsidy amount was not paid to the complainant, he filed an application under Right to Information Act whereby the complainant has been informed that the amount which was sanctioned for payment to the complainant was fraudulently defalcated by forging his signature.

The statement has been made in paragraph-9 of the bail petition that after completion of project by Contractor, an enquiry was conducted by the Block Agriculture Officer, Sheohar, and a report was submitted. On the basis of report submitted by the Block Agriculture Officer, Sheohar, bill submitted by the beneficiary namely Santosh Sharma (complainant) amounting to Rs.22,500/- and Rs.7,500/- for the worm supplier M/s. Krishna Wormy Compost Industries, Jahangirpur, were prepared. The cheque has already been prepared in the name of the complainant and is lying in the department. The petitioner has annexed photocopy of that cheque as Annexure-4.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **complaint Case No. C-131 of 2014**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the



satisfaction of learned **Chief Judicial Magistrate, Sheohar**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) 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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