

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24412 of 2017

Arising Out of PS.Case No. -223 Year- 2014 Thana -SALKHUA District- SAHARSA

=====

Vijay Kumar, S/o Sri Shivnandan Thakur, a resident of village - Nariyar Road, P.S. and District – Saharsa, posted as the Executive Assistant, Paddy Procurement Centre, Banama Itahri, P.S. - Salkhua, District - Saharsa.

.... Petitioner.

Versus

1. The State of Bihar.
2. The Bihar State Food Corporation, Saharsa.

.... Opposite Parties.

=====

Appearance :

For the Petitioner : Mr. Kamal Kishore Singh, Advocate.
For the State : Smt. Sharda Kumari, A.P.P.
For the B.S.F.C. : Mr. Harish Kumar, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

5 17-08-2017 Heard.

The petitioner seeks bail in connection with Salkhua P.S. Case No.223 of 2014 registered under Sections 409 and 420/34 of the Indian Penal Code, pending in the court of the Additional Chief Judicial Magistrate-II, Saharsa.

The accusation is that the co-accused Vivekanand alias Vivekanand Roy alias Biveka Nand alias Bivekanand Roy being the Incharge of Paddy Procurement Centre of Banma Itahri under conspiracy with this petitioner being the Executive Assistant of that Centre, purchased 17201.60 quintals paddy for supply to miller but, later on, it was detected that only 5795.41 quintal



paddy was purchased and supplied for milling, as such the remaining paddy was misappropriated.

Learned counsel appearing on behalf of the petitioner submits that the co-accused Vivekanand alias Vivekanand Roy alias Biveka Nand alias Bivekanand Roy has already been granted bail by a Bench of this Court vide order dated 06.09.2016 passed in Criminal Misc. No.27365 of 2016 and the petitioner is in custody since 11.08.2016.

Learned counsel appearing on behalf of the B.S.F.C. submits that the co-accused Vivekanand alias Vivekanand Roy alias Biveka Nand alias Bivekanand Roy has been granted bail by a Bench of this Court subject to depositing or 20%, which was valued at Rs.1.77 crores, of the misappropriated paddy.

The report, as called for vide order dated 19.07.2017 regarding the present stage of the case, has been received from the court of the Additional Chief Judicial Magistrate, Saharsa, vide Letter No.24/17 dated 25.07.2017 from which it appears that the record is pending for disposal of a petition filed under Section 239 of the Code of Criminal Procedure for discharge of the accused.

Having regard to the facts and the circumstances of the case and the nature of allegation, I am not inclined to grant bail to the petitioner. Accordingly, the prayer of the petitioner for grant



of bail stands rejected. However, the trial court is directed to expedite and conclude the trial of the petitioner as early as possible even by taking all effective steps. If the trial of the petitioner is not concluded within six months, the petitioner would be at liberty to renew his prayer for bail.

(Rajendra Kumar Mishra, J)

P.S./-

U			
---	--	--	--

