

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2645 of 2017

Arising Out of PS.Case No. -96 Year- 2016 Thana -SHIVSAGAR District- SASARAM (ROHTAS)

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Dilip Kumar @ Dilip Kumar Singh S/O Ram Naresh Singh, Resident of
Village-+PO. Dhandiha, P.S. Koilwar, District- Bhojpur, Block Statistics
Supervisor (suspended), Incharge Procurement Centre, Kargahar, Rohtas.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh

For the Opposite Party/s : Mr. Sri Ajit Kumar

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 25-01-2017 Heard the learned counsel for the petitioner as well as

the learned A.P.P. for the State.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Shivsagar P.S. Case No. 96 of 2016 for the offences punishable under sections 407, 409 and 420 of the I.P.C.

Allegedly, the petitioner being Incharge of Sale Centre, Shivsagar purchased 106082.28 quintals paddy and supplied 105868.80 quintals paddy to the Millers, rest 214.80 quintals paddy remained in the godown which was auction sold and in the auction sale only 42.80 quintals was found and rest 172 quintals paddy was not found in the godown and as such the petitioner embezzled the amount of Rs. 2,15,000/- and further due



to his inaction loss was caused to Rs. 26,322/- and thus total loss of Rs. 2,41,322/-.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case, this is a matter of accounting, the matter relates to purchase of the years 2012-2013, whereas, FIR has been lodged in the year 2016. However, the petitioner is ready to deposit 20% of the said loss amount caused to the State Food Corporation under protest.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioner by submitting that the petitioner is named in the First Information Report.

In the facts and circumstances as stated above, the petitioner is directed to deposit 20% of the amount of Rs. 2,41,322/- within six months through the Bank draft in favour of the State Food Corporation, Rohtas and in the meantime the petitioner, in case of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on provisional anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of. C.J.M. Rohtas (Sasaram) in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.



In case the petitioner deposits the said 20% of the amount and shows certificate in this regard, the learned court below shall confirm the bail granted to the petitioner, failing which the bail granted shall be deemed to be cancelled.

(Jitendra Mohan Sharma, J)

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