

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54732 of 2017

Arising Out of PS.Case No. -5 Year- 2015 Thana -ECONOMIC OFFENCES, BIHAR District -
PATNA

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Umesh Das, Son of Late Sakhi Chand Das, resident of Village- Bhikham Chak, Naipur Mansur Chak, Police Station- Bachhwara, District- Begusarai, at present posted at Bihar State Food and Supply Corporation, Purnia.

.... Petitioner/s

Versus

The State of Bihar, Through, Economic offences, Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun

For the Opposite Party/s : Mr. V.N.P. Sinha (Eou Unit)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

5 15-01-2018 Heard the learned counsel for the petitioner as well as the learned senior counsel for the Economic Offence.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Economic Offence Case No. 05 of 2015/ G.R. No. 722 of 2015 for the offences punishable under sections 420, 406, 467, 468, 471 and 120 B of the I.P.C.

Allegedly, co-accused Pawan Kumar being a rice miller was supplied 8602.60 quintals of paddy by the Supaul unit of the Bihar State Food & Civil Supplies Corporation Limited under agreement during the procurement years 2011-12, in lieu thereof co-accused Pawan Kumar was supposed to supply 5763.744 quintals of Custom Milled Rice (CMR) and failed to



supply 5628.744 quintals of Custom Milled Rice worth Rs.89812888.69. During investigation the name of the petitioner transpired that he being the Assistant Godown Manager was also involved in the crime as being in conspiracy prepared forged and fabricated bills.

Submission is of false implication and that after 2 ½ years of institution of the case the I.O. without any material stated that the petitioner has got hand with the main accused in the crime, no offence as alleged is made out against the petitioner, the main accused has already been granted anticipatory bail vide Cr. Misc. No. 36640 of 2015 on 10.09.2015, vide Annexure-3 and as such the petitioner deserves sympathetic consideration.

The learned senior counsel for the Economic Offence opposes prayer for pre-arrest bail of the petitioner by submitting that the petitioner prepared forged document and showed supply of paddy through the vehicle which during investigation was found Car.

In the facts and circumstances stated above, considering that main accused Pawan Kumar has already been allowed pre-arrest bail vide Annexure-3 and the name of the petitioner transpired after 2 ½ years of institution of the FIR and as such the petitioner, in case of his arrest or surrender within a



period of four weeks from the date of receipt/production of a 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 to the satisfaction of Shri Shailendra Kumar, Judicial Magistrate, Darbhanga in connection with the aforementioned case, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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