

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20272 of 2018

Arising Out of PS.Case No. -164 Year- 2017 Thana -KOCHAS District- SASARAM (ROHTAS)

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1. Vinay Shankar @ Vinay Kumar Son of Ram Sevak Singh, Resident of Village-Sarhanchia, Police Station-Aurai, District-Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar

For the Opposite Party No.2 : Mr. Kislay

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA

ORAL ORDER

8 26-07-2018 Heard the parties.

The petitioner is apprehending his arrest in connection with Kochas P.S.Case No.164 of 2017 , registered for offences punishable under Section 409 of the Indian Penal Code.

Allegation against the petitioner as per FIR is that 17707 quintal of wheat was procured by the Cochass Godown, the petitioner is the Manager of that Godown. Further case is that out of that wheat, 17374 quintal of wheat was received in the S.F.C. and other agencies and 332.75 quintal of wheat has remained in the Godown, for which he is responsible for the misappropriation.

Submission of the learned counsel for the petitioner is that earlier for realization of the amount for misappropriation of 332.75 quintal of wheat, the petitioner had moved before this Court in a Writ Petition, which has been disposed of vide order



dated 29.8.2014 passed in C.W.J.C. No.4364 of 2014 with a direction to the petitioner to file a comprehensive representation and that will be decided by he respondent no.2 District Manager, S.F.C., Rohtas within a period of three months, however, in spite of that no order has been passed against the petitioner. Further submission is that the petitioner was incharge only for a week and further during that period due to non-payment of the rent of the godown, the godown owner had put a lock on the godown and asbestos of the godown was broken and due to that some damage was caused and the petitioner continuously informed the same to the District Manager but no steps were taken.

Heard learned A.P.P. and the learned counsel for the B.S.F.C. Learned counsel for the B.S.F.C. could not answer as to what order has been passed on the representation filed by the petitioner and only he has opposed the prayer for bail stating that the amount is due with the petitioner.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, surrender before the court below within a period of six weeks from the date of receipt of the order and on surrender he will be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the



satisfaction of the learned ACJM-I, Rohtas at Sasaram in connection with Kochas P.S. Case No.164 of 2017 dated 18.10.2017 subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the investigation of the case and make himself available as and when required by the Police, otherwise, the prosecution is free to move for cancellation of his bail bond and further during investigation if serious lapses were found against the petitioner, prosecution is at liberty to move for cancellation of bail bonds of the petitioner.

With the aforesaid direction, this application is allowed.

(Vinod Kumar Sinha, J)

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