

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58572 of 2018

Arising Out of PS.Case No. -19 Year- 2016 Thana -GOH District- AURANGABAD

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Devendra Kumar @ Devindra Kumar S/o Late Kashi Prasad , R/o Vill.-
Belsand, P.S.- Belsand, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager , State Food Corporation, Aurangabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Ranjan, Advocate
For the B.S.F.C.	:	Mr. Sanjeev Kumar, Advocate
For the State	:	Mr. Akhileshwar Dayal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

- 3 08-10-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Goh P.S. Case No.19 of 2016 registered for the offences
punishable under Sections 420 and 409 of the Indian Penal Code.

The case has been registered on the basis of written
report submitted by District Manager, Bihar State Food and Civil
Supplies Corporation, Aurangabad. It is alleged that the petitioner
working as a Block Agriculture Officer, was appointed as the In-
charge of the Purchase Center, Goh-2 for procurement of paddy
crop for the year 2014-2015. Two other persons, namely, Raju
Ranjan Gupta and Mithilesh Kumar were also appointed as
Executive Assistants in the said Purchase Center, Goh-2 for the



said period. It is further alleged that though 82648.75 quintals of paddy was purchased from different PACs/farmers, only 80842.57 quintals of paddy was supplied to the millers. As a result, allegedly the left over paddy to the tune of 1806.18 quintals was not supplied to the millers, which was against the order of the Corporation. The informant has further alleged that the accused persons have either made false procurements or have sold off the remaining 1806.18 quintals and thereby defalcated an amount of Rs.31,61,467/-.

It has been submitted that the petitioner is innocent and he has been made accused merely on suspicion. The petitioner had supplied the paddy to several millers from 22.12.2015 to 02.05.2016 weighing about 1199.11 quintals. The allegation of alleged defalcation is omnibus against the petitioner and two other co-accused, namely, Mithilesh Kumar and Raju Ranjan Gupta. Out of them, Mithilesh Kumar has been allowed anticipatory bail by this court as per order dated 17.09.2016 passed in Cr.Misc.No.21447 of 2016 and another co-accused Raju Ranjan Gupta has been allowed regular bail in Cr.Misc.No.16827 of 2018. It has been further submitted that no physical verification of godown was done by any officer and the remaining paddy is still available in godown. The case of this



petitioner stands on similar footing to the case of co-accused, who are enjoying privilege of bail. The petitioner is in custody since 06.07.2018 having clean antecedent and so he deserves bail.

The learned A.P.P. for the State opposed the submission.

Considering the facts and circumstances of the case, the prayer of bail is allowed. The petitioner, named above, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of the learned Additional Sessions Judge-IV, Aurangabad in connection with Goh P.S. Case No.19 of 2016 (G.R. No.140 of 2016), subject to the 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) If the petitioner is found involved in future in similar type of allegation, the prosecution will have liberty to move for cancellation of bail.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Sanjay Kumar, J)

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