

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45871 of 2017

Arising Out of PS. Case No.-368 Year-2017 Thana- ARARIA District- Araria

Gyan Shankar Singh Son of Vidur Narayan Singh, Resident iof Village-
Sukhanagar, P.S.- Pratapganj, District- Araria Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra
For the Opposite Party/s : Mr. NARENDRA KUMAR SINGH

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 04-01-2018 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Araria Police Station Case No. 368 of 2017, disclosing offences under Sections 406/409/420/120B/34 of the Indian Penal Code.

The petitioner, at the relevant point of time, was working as Agricultural Co-ordinator. It is alleged that in order to promote agriculture, grants were made available to the farmers for purchase of agricultural tools. The petitioner, in his capacity as Agricultural Co-ordinator, reported regarding physical possession of the said tools with the farms, which the farmers had, in fact, not purchased. In this way, an amount to the tune of Rs. 40 lakhs and odd came to be misappropriated, according to the case of the prosecution.

Learned Counsel appearing on behalf of the petitioner has



submitted that even as per the case of the prosecution, the farmers are responsible for defalcation of public money and not this petitioner. It is also submitted that the allegation against the petitioner can be, at the maximum, said to be constituting misconduct under the service laws.

From the First Information Report, I find that the allegation against the petitioner is of giving false report with respect to physical possession of the agricultural tools by the farmers. On that basis, the prosecution has found the petitioner's connivance in misappropriation of the public money.

I do not find it to be a fit case for grant of anticipatory bail in view of the nature of allegation against the petitioner.

This application for anticipatory bail, is hereby, rejected.

The petitioner, Gyan Shankar Singh, is directed to surrender before the Court below within a period of four weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered by the learned Court below on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail.

(Chakradhari Sharan Singh, J)

Prabhakar Anand/-

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