

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31643 of 2018

Arising Out of PS.Case No. -102 Year- 2018 Thana -KATIHAR District- KATIHAR

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1. Bharat Bhushan Gupta @ Bharat Bhuhan Gupta, Son of Late Arjun Lal, resident of Village- Rajauli, Police Station- Rajauli, District- Nawadah, presently posted as Block Panchayat Raj Officer, Panchayati Raj Department, New Secretariat (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food & Civil Supplies Corporation Ltd., Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh, Adv.

Mr. Ram Binod Singh, Adv.

For the Opposite Party/s : Mr. Anil Kumar , APP

For the B.S.F.C. : Mr. Niraj Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 02-07-2018 Heard the parties.

The petitioner is apprehending his arrest in connection with Katihar Town P.S.Case nO.102 of 2018 registered for offences punishable under Sections 166, 420, 409 and 120(B) of the Indian Penal Code and Section 7 of E.C. Act, 1955.

Allegation against the petitioner is that due to lapses on the part of the petitioner, B.S.F.C. has faced damage of 21000 quintal of paddy.

Submission of the learned counsel for the petitioner is that a Four Man Committee was constituted and this petitioner has lodged a case with respect to damage of 21000 quintal of paddy



and thereafter One Man Committee under D.G.M. has enquired into the matter and lodged a case against the petitioner. It is further submitted that on perusal of the FIR it appears that except administrative lapses that which the petitioner has committed, there is nothing against him showing that the petitioner has caused such type of lapses intentionally.

Heard learned A.P.P. and the learned counsel for the B.S.F.C.. They have opposed the prayer for bail..

Having heard both sides and in view of the facts and circumstances, as stated above, this application is disposed of with direction to the petitioner, above named, to 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 C.J.M., Katihar in connection with Katihar Town P.S. Case no.102 of 2018 subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure, with further condition that he has to appear before the police as and when required and has to produce all the papers and co-operate in the investigation of the case, if once the charge-sheet has been filed.

It is made clear that if after investigation anything serious



other than the administrative lapses is found against the petitioner he has to surrender and make prayer for regular bail, which will be considered by the learned court below on the basis of materials available on the record so as to see as to whether apart from administrative lapses , any serious incriminating material is found against the petitioner or not and the learned trial court shall dispose of his prayer for bail on the same day.

In the meantime for the period of six weeks no coercive steps shall be taken against the petitioner.

With the aforesaid direction, this application is disposed of.

(Vinod Kumar Sinha, J)

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