

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61345 of 2017

Arising Out of PS.Case No. -86 Year- 2015 Thana -SHEOHAR District- SHEOHAR

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1. Amarendra Kumar, S/o Late Surendra Singh, R/o Village- Tajpur Tola, Sundarpur, P.S.- Sheohar, District- Sheohar.
 2. Jitendra Ram S/o Bujhawan Ram, R/o village- Bhagwanpur Bheli, P.S.- Sheohar, District- Sheohar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Md. Jahangir Alam, Senior Deputy Collector Cum Incharge , District Manager, Bihar State Food Corporation, Sheohar.
3. The Department of Vigilance, Bihar, Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh

For the Opposite Party/s : Mr. Shailendra Kumar -2

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 22-03-2018 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Sheohar P.S. Case No. 86 of 2015, registered under Sections 406, 409, 420, 465, 467, 468, 470 and 120(B) of the Indian Penal Code and Section 13(2) read with Section 13(1) (d) of the Prevention of Corruption Act, 1988.

The allegation as per the FIR is that one Raju Kumar Singh (Miller) entered with an agreement with the Bihar State Food and Civil Supplies Corporation Limited, Sheohar regarding milling of paddy and delivering CMR against the said paddy in the year 2012-13. In accordance with the agreement the miller was



required to take requisite quantity of paddy and thereafter he was to supply CMR back to the Corporation, however, he defaulted and committed an embezzlement totaling to a sum approximately Rs. Nine crores. The petitioners are not named in the FIR but subsequently material has come to light during the course of the investigation that they had unauthorisedly handed over paddy to the miller.

The learned senior counsel for the petitioners, has at the outset, referred to Annexure-2 to the petition to show that authority slip was very much present. It is next contended that the miller himself has been granted bail subject to certain conditions, hence there is no impediment in granting bail to the petitioners herein. It is further submitted that similarly situated co-accused persons have already been granted bail by this Court by orders dated 08.2.2018 and 16.02.2018 passed in Criminal Misc. No. 433 of 2018 and 2953 of 2018.

The learned counsel for the B.S.F.C. has filed a counter affidavit and pointed out the materials available against the petitioners herein which have been gathered during the course of the investigation.

The learned counsel for the Vigilance submits that the petitioners may be directed to appear before the Vigilance Court on each and every date.



Having regard to the facts and circumstances of the case more particularly the fact that similarly situated co-accused persons have already been granted anticipatory bail, I deem it fit and proper to admit the petitioners herein to the privilege of anticipatory bail in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Darbhanga in connection with Sheohar P.S. Case No. 86 of 2015 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is further directed that the petitioners shall join investigation, if so required, and shall also be present on each and every date fixed in the case before the concerned court and in case of three consecutive defaults, the present privilege of anticipatory bail shall stand cancelled automatically.

(Mohit Kumar Shah, J)

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