

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9905 of 2019

Arising Out of PS. Case No.-53 Year-2015 Thana- VIDYAPATINAGAR District- Samastipur

VIJAY KUMAR SINGH, Son of Awadhesh Singh, Resident of Village -
Alampur, P.S.- Vidyapati Nagar, District - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd.
Samastipur. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Mohan Mishra, Advocate
For the Opposite Party/s	:	Mr. Parmeshwar Mehta, APP
For the BSFC	:	Mrs. Namrata Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 20-02-2019 Heard learned counsel for the petitioner and State and
the BSFC.

The petitioner is in custody in connection with
Vidyapti Nagar (Samastipur) P.S. Case No. 53 of 2015 (G.R.
No. 268 of 2015) for the offence under Sections 403, 409, 420
of the Indian Penal Code and Section 7 of the EC Act.

Learned counsel for the petitioner submits that the
petitioner was not named in the F.I.R. and his name transpired
during course of supervision. He further submits that the police
after investigation submitted charge-sheet. The petitioner is in
custody since 12.09.2018.

Learned counsel appearing on behalf of BSFC
submits that of course there is no material against the petitioner



and there is no whisper against this petitioner that he has committed any offence. She further submits that the name of the petitioner transpired during course of supervision that he entered into an agreement with the main accused and, therefore, he is also one of the conspirators in the offence.

The Court failed to understand as to how the prayer of the petitioner can be refused simply because his name surfaced on the basis of agreement between the main accused and the petitioner and there is no material to connect the petitioner in the instant case, particularly, after submission of the charge-sheet, the Court does not feel persuaded to decline the prayer of the petitioner for grant of bail.

In the peculiar facts and circumstances of the case, the petitioner, named above, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Dalsingsarai, Samastipur in connection with Vidyapti Nagar (Samastipur) P.S. Case No. 53 of 2015 (G.R. No. 268 of 2015).

(Anil Kumar Upadhyay, J)

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