

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70473 of 2018**

Arising Out of PS. Case No.-104 Year-2018 Thana- ADAPUR District- East
Champanan

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Neeraj Kumar Rai @ Neeraj Kr. Rai Son of Brajesh Rai Resident of Village-
Lilakar, Police Station Sikandarpur, Distt.-Balua, State-Uttar Pradesh

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Shakti Suman Kumar, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

4 05-03-2019

Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 409, 420/34 of the Indian Penal Code
registered in connection with Adapur P.S. Case No. 104 of 2018.

3. It is submitted that the petitioner has been falsely
implicated and from the F.I.R. itself it is clear that the accusation
of misappropriation of food grains worth of Rs. 69,62,184.63 is
against co-accused Bipin Kumar Singh. It is further submitted
that the petitioner was in additional charge of Assistant Godown
Manager from 07.07.2014 to 23.08.2016 after which he was
transferred to Patna Head office on 23.08.2016 and as such he
handed over charge to the said Bipin Kumar Singh who managed
the warehouse till 03.11.2016. Petitioner did not hand over
charge of the warehouse to his successor Bipin Kumar Singh and
as such the entire responsibility for misappropriation was found
against co-accused Bipin Kumar Singh. However on the basis of a
vague and doubtful statement made by Bipin Kumar Singh, the
petitioner has been implicated as well. The petitioner claims



clean antecedents.

4. Learned APP has not pointed out to any objective material from the case diary against the petitioner.

5. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner 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 learned Sub-Divisional Judicial Magistrate, East Champaran, Motihari in connection with Adapur P.S. Case No. 104 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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