

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59572 of 2018

Arising Out of PS. Case No.-235 Year-2017 Thana- PIPRAKOTHI District- East Champaran

Srikant Mishra S/o Late Pundev Prasad Mishra, R/o Vill.- Manguraha, P.S.-
Govindganj, District- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anshuman Singh, Advocate Mr. Rakesh Kumar No.2, Advocate
For the Opposite Party/s	:	Mr. Sri Abhay Kumar - 1

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 22-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Pipra Kothi P. S. Case No. 235 of 2017 registered for the offences punishable under Sections 406, 409, 420 and 120B/34 of the Indian Penal Code and Section 52 of the Bihar Sugar Cane (Regulation of Supply and Purchase) Act, 1981.

Learned counsel for the petitioner submits that the Sugarcane Officer, Motihari, East Champaran has lodged the first information report on the direction of the Sugarcane Commissioner, Bihar, Patna. It is submitted that the Team constituted for inspection of the purchasing center no. 19 under Kotwa Block found that two digitizers were being used by the



Sugar Mill administration and it was found that the Sugar Mill administration had purchased sugarcane in low quantity daily from fixed quantity of 400 quintals. It is alleged that the farmers who were present there reported that from 6:00 a.m. to 10:00 a.m. second digitizer is being used which shows 30 % less quantity in weight from its original weight and from 10:00 a.m. to 5:00 p.m. first digitizer is being used. The allegation of committing forgery and cheating has been levelled against the Sugarcane Deputy Chairman Sri Rakesh Kumar Singh, Cane Manager Srikant Mishra (the petitioner) and the I. T. Manager Shri D. B. Singh as also against the Transporter Sri Arvind Singh and Clerk Binod Kumar Singh.

It is specific contention of learned counsel for the petitioner that while co-accused Rakesh Kumar Singh, D.B. Singh and Arvind Kumar Singh have been granted privilege of anticipatory bail by learned co-ordinate Bench of this Court in Cr. Misc. No. 63203 of 2018 and other applications, in course of investigation no material has come to show that the present petitioner being Cane Manager was responsible for the payment of the sugarcane.

Learned APP for the State opposed the prayer for anticipatory bail. However, looking to the case diary learned



APP submits that as regards the role of the Cane Manager, the investigating officer has not brought any material.

In the given facts and circumstances of the case, considering that the co-accused have been granted privilege of anticipatory bail, no material has been brought to the notice of this Court to demonstrate the role of this petitioner, the petitioner above named, in case of his arrest or surrender within four weeks from today, is directed to be released on bail on execution of bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari in connection with Pipra Kothi P. S. Case No. 235 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajeev Ranjan Prasad, J)

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