

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14517 of 2020

Arising Out of PS. Case No.-49 Year-2011 Thana- PURNAHYA District- Sheohar

BAJRANGI SINGH Son of Ram Pukar Singh Resident of Village - Aduari,
P.S.- Purhaliya, Distt - Sheohar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-07-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Shri Parmeshwar Mehta, the learned APP for the State.

The petitioner apprehends his arrest in connection with Purnahiya P.S. Case No. 49 of 2011 for the offence punishable under Sections 406 and 420 of the Indian Penal Code.

The case of the prosecution in brief is that the P.D.S. dealers have not paid the amount recoverable from them pertaining to left over food grains, which were allotted to them under the Sampourn Grameen Rojgar Yojana and National Food For Work Programme, despite notices having been issued to



them. As far as the petitioner is concerned, it is alleged that a sum of Rs. 20,25,545/- is outstanding to be paid by him.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent inasmuch as though he was made accused in one other case, but he has been acquitted in the said case. The learned counsel for the petitioner has further submitted by referring to page no. 18 of the present petition, which is part of the FIR and is a notice to the petitioner dated 06.08.2011, issued by the office of the Block Development Officer, Purnahiya, that the said notice would clearly show that time till 10.08.2011 was granted to the petitioner to deposit the outstanding amount in the treasury, however, FIR has been lodged prior to it in a mala fide manner on 08.08.2011 itself. It is further submitted that there is no delay in approaching this Court for grant of anticipatory bail inasmuch the case was instituted in the year 2011 and after investigation charge sheet was filed on 30.11.2018, whereafter the learned court below has taken cognizance on 16.11.2019. It is further submitted that similarly situated co-accused persons have already been granted bail by co-ordinate Benches of this Court vide order dated 28.01.2019 passed in Cr. Misc. No. 3149 of 2019 and by order dated 07.02.2020 passed in Cr. Misc. No.



81518 of 2019. Lastly, it is submitted that the allegations levelled against the petitioner are in the nature of civil dispute.

The learned A.P.P. appearing for the State has vehemently opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the parity of the case of the petitioner with that of the co-accused persons, who have already been granted the privilege of anticipatory bail by co-ordinate Benches of this Court, apart from the fact that the allegations levelled against the petitioner are in the nature of civil dispute, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender in the court below within a period of four weeks from today, the petitioner, above named, is directed to be released on anticipatory bail on furnishing bail- bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1st Class, Sheohar, in connection with Purnahiya P.S. Case No. 49 of 2011, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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