

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25616 of 2020

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

Shri Pawan Kumar @ Pawan Kumar, Male, aged about 52 years, S/o Late Swaroop Choudhary, Resident of Village- Zamin Degree, P.S.- Monghyr, District- Monghyr.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kant, Advocate
For the State : Mr.Prameshwar Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 10-11-2020 Heard the parties through the virtual court proceeding.

The petitioner seeks bail in connection with Vidyapatnagar P.S. Case No. 53 of 2015 registered for the offences punishable under Sections 420, 409, 403 of the Indian Penal Code and Section 7 of the E.C. Act.

The prosecution case in brief is that Shri Pawan Kumar, Block Agriculture Officer was appointed Incharge of purchase and centre at Vidyapatnagar. For the period 2012/13 total 23575 quintal wheat was procured out of which 19845 quintals were deposited in SFC DEPOT AND BASE GODOWN, VARISNAGAR. It is further alleged that Certificate case vide case no.13/14 was also instituted for recovery. It is further alleged that Shri Pawan Kumar has misappropriated 3730



quintals of wheat amounting to Rs.5319129.20.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and the petitioner has falsely been implicated in the present case. He further submits that the meeting was convened by the petitioner with Chairmans of different PACS on 14.08.2012 and they informed the petitioner that Vijay Kumar Singh has agreed to deposit excess procured wheat in his godown with its safety and security in the form of cheques. Learned counsel for the petitioner further submits that the S.D.O., Dalsingsarai was directed to enquire about the shortage of wheat by the District Magistrate, Samastipur in Vidyapatinagar block. The S.D.O., Dalsingsarai submitted his enquiry report vide Memo No.444 dated 17.07.2013, it was found during enquiry that godown owner and Santosh Kumar Paswan was found responsible for misappropriation. It was also found that the petitioner has no direct involvement in the misappropriation but he was held responsible for not proper supervision. Learned counsel for the petitioner further submits that certificate case has also been lodged against the accused persons and departmental proceeding also be initiated against the petitioner.

Learned counsel for the State vehemently opposed the



prayer for bail of the petitioner. The petitioner is in jail custody since 04.03.2020 and similarly situated co-accused has been granted bail by order dated 20.02.2019 passed in Cr. Misc. No.9905 of 2019. The petitioner is the government servant and departmental proceeding is also going on.

In the facts and circumstances of the case, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of learned C.J.M., Dalsingsarai in connection with Vidyapatnagar P.S. Case No. 53 of 2015.

(Anjani Kumar Sharan, J)

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