

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17956 of 2021

Arising Out of PS. Case No.-915 Year-2018 Thana- SAHARSA SADAR District- Saharsa

KUMOD KUMAR @ MUNNA BHAGAT SON OF LALAN BHAGAT R/O
VILLAGE- DHAM SAINI, POST- SULINDABAD, P.S.- AND DISTRICT-
SAHARSA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR THROUGH THE DIST. MANAGER THE BIHAR
STATE FOOD AND CIVIL SUPPLY CO-OPERATION LTD SAHARSA,
BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Adv.

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 30-09-2021 Learned counsel for the petitioner undertakes to remove
all the defects as pointed out by office within four weeks after start
of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Satya
Nand Shukla, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Saharsa (Sadar) P.S. Case No.915/2018 registered
for the offences punishable under Sections 420 and 406/34 of the
Indian Penal Code. He is in custody since 19.12.2019.

Learned counsel for the petitioner submits that the
present case has been lodged by the PACS Chairman alleging that
while he was engaged in getting his treatments, this petitioner
being the PACS Manager has defalcated about 1400 quintals of
paddy.



Learned counsel submits that the FIR has been lodged against the petitioner by the PACS Chairman only in order to save his skin because the State government officials in the cooperative department were preparing to lodge FIR against him. It is submitted that in connection with the same matter, the Block Cooperative Extension Officer, Kahra Block, District-Saharsa has lodged Saharsa (Sadar) P.S. Case No.1081/2018 dated 28.09.2018 under Sections 406, 409 and 420/34 of the Indian Penal Code. In the said case, the PACS Chairman (informant of this case) and this petitioner have been made accused for the alleged defalcation of paddy worth Rs.12,84,950/-.

It is submitted that out of the said amount, the PACS Chairman has deposited Rs.1 lac. This petitioner moved for grant of bail in the said case in Cr.Misc.No.13964 of 2020 and after hearing the same, a learned coordinate Bench of this Court granted provisional bail to the petitioner on the condition that the petitioner would deposit 25% amount of Rs.21,68,450/- in four equal installments and will deposit first installment within 15 days from the date of his release and rest three installments will be deposited within a period of six months thereafter. As per the order of the learned coordinate Bench in case of failure to deposit the said amount within the aforesaid period the order will be treated to have been cancelled and upon compliance of the order the



provisional bail will be confirmed. Learned counsel submits that since the subject matter of the present case is identical to the case in which provisional bail has already been granted by the learned coordinate Bench of this Court on the conditions, this Court may consider granting bail to the petitioner.

Mr. Satya Nand Shukla, learned APP for the State is present. He has been served with a copy of the supplementary affidavit filed on behalf of the petitioner today. The fact that in respect of the same year and quantity of paddy another FIR has been lodged by the Block Cooperative Extension Officer in which petitioner has been granted provisional bail has not been disputed by the learned APP.

Considering the facts and circumstances of the case and taking note of the order passed by a learned coordinate Bench of this Court in Cr.Misc.No.13964 of 2020, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Saharsa in connection with Saharsa (Sadar) P.S. Case No.915/2018, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it



is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

And further condition that in case the petitioner fails to abide by the conditions imposed by the learned coordinate Bench of this Court in Cr.Misc.No.13964 of 2020 which is the basis for this Court not to impose any further condition, the bail bond of the petitioner shall also be cancelled in the present case by the learned court below.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

