

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29985 of 2021

Arising Out of PS. Case No.-108 Year-2021 Thana- CHAPRA TOWN District- Saran

MD. JAWED JAFAR @ JAWED JAFAR @ MD. JAWED SON OF
ZAFRULLAH SIDDIQUE R/o village- Pathra, P.S.- Garkha, District- Saran,
At present Executive Assistant, Bihar State Food and Civil Supplies
Corporation Office, Chapra

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yogesh Chandra Verma, Sr. Advocate
Mr. Kundan Kumar
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-11-2021 Heard learned senior counsel for the petitioner and
learned counsel for the State.

Petitioner seeks bail in connection Saran Town P.S.
Case no. 108 of 2021 registered for the offence punishable
under sections 419, 420 and 120(B) of the Indian Penal Code
read with sections 7 and 12 of the Prevention of Corruption Act,
1988.

Learned senior counsel for the petitioner submits that
petitioner is in custody since 20.02.2021 and charge sheet has
been submitted and petitioner is person with clean antecedent.
Learned counsel for the petitioner submits that from perusal of
the allegation as alleged in the FIR, it would manifest that the



informant alleges that an enquiry was conducted on the complaint filed by one Manoj Kumar Yadav and in the enquiry, it transpired that irregularities are being carried out in payment of margin money to the PDS dealer. Further during course of investigation, huge amount was recovered and prima facie case was found against the petitioner and other co-accused. Learned senior counsel for the petitioner further submits that from perusal of the letter no. 358 dated 18.2.2021 issued by the Addl. Collector, Saran which is part of the FIR though it is apparent from the same that specific allegation is made out against this petitioner for receiving gratification from PDS dealer but then no PDS dealer has come forward to depose against this petitioner in the enquiry which was conducted for against any of the co-accused. Further that from perusal of the entire case, it would also manifest that none of the PDS dealer has alleged to have given illegal gratification to the petitioner nor it is alleged that petitioner performed any work in lieu of gratification. Further, Enquiry officer has also recorded that corruption was carried by the then District Manager, BSFCSC, Chapra for payment of margin money to the PDS dealer. Learned senior counsel for the petitioner submits that despite such specific observation of the Enquiry officer, District Manager has not



been made accused in this case rather petitioner and others have been made accused in this case.

Learned APP opposed the prayer for bail and submitted that it is case of corruption. Learned senior counsel for the petitioner at this stage submits that similarly situated co-accused Shivesha Nand Jha @ Shiveshanand Jha @ Shivesh Annad Jha @ Shivesh Nandan has been granted bail by order dated 28.10.2021 in Cr. Misc. no. 29860/2021.

Considering the facts that petitioner is in jail custody since 20.02.2021, charge sheet has been submitted and co-accused has been granted bail, the petitioner is directed to be released on bail on furnishing bail bonds of Rs 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the Special Judge, Vigilance, Muzaffarpur in Saran Town P.S. Case no. 108 of 2021.

(Satyavrat Verma, J)

s.hassan/-

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