

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29860 of 2021

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

SHIVESHA NAND JHA @ SHIVESHANAND JHA @ SHIVESH
AANAND JHA @ SHIVESH NANDAN SON OF BISHWAMBHAR JHA
Resident of Village - Larua, P.s.- Tajpur (Halai O.P.), Distt.- Samastipur, at
Present Lekhapal, 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.Kundan Kumar, Adv.
For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 28-10-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Saran Town
P.S. Case No.108 of 2021, registered for the offence punishable
under Sections 419/420/120(B) of the Indian Penal Code and
section 7 and 12 of the Prevention of Corruption Act, 1988.

The prosecution case in short is that an inquiry was
conducted on the complaint filed by Manoj Kumar Yadav and
from perusal of the inquiry report, it transpired that irregularities
is being carried out in payment of margin money to the PDS
dealer. It is alleged that during course of investigation huge
amount was recovered from the office and prima facie case is



found against the petitioner and others. As such, the present FIR has been lodged.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. He has been falsely implicated in this case. From perusal of the letter no.358 dated 18.02.2021, issued by the Additional Collector, Saran which is part of the FIR, it is well apparent that the specific allegation is made out against the co-accused Md. Javed Jafar for receiving gratification from the PDS dealer but no PDS Dealer came forward to depose his statement either against this petitioner or co-accused during course of enquiry. From perusal of the entire case, it transpired that none of PDS Dealer has deposed against the petitioner whether they have given any illegal gratification to the petitioner or he did not done their work in lieu of gratification. It is further submitted that vide letter no.358 dated 18.02.2021, it is well apparent that the inquiry officer observed that corruption was carried by the then District Manager, BSFCSC, Chapra for payment of margin money to the PDS Dealer but he has not been made accused in this case. The petitioner has no criminal antecedent and has been languishing in custody since 20.02.2021.



Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Vigilance, Muzaffarpur, in connection with Saran Town P.S. Case No.108 of 2021, subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.



(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

pallavi/-

U		T	
---	--	---	--

