

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36630 of 2020

Arising Out of PS. Case No.-616 Year-2013 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

=====

RAMSHRESHTH SHARMA Son of Late Fakira Mistri Resident of Village-
Laxmipur, P.S.- Sakara, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.
Mr.Nilesh Kumar, Adv.
For the Opposite Party/s : Mr.Ashok Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 30-01-2021 Heard the learned counsel for the petitioner,

Sri Ajay Kumar Thakur and the learned APP for the

State, Sri Ashok Kumar.

The petitioner seeks regular bail in connection with Samastipur (Muffasil) P.S. Case No. 616 of 2013, registered for the offence punishable under Sections 420/406 of the Indian Penal Code and Section 7 of the Essential Commodities Act.

The petitioner is alleged to have misappropriated 111.50 metric tonnes of D.A.P fertilizers while he was posted in the capacity of a godown Manager at the Indian Farmer Fertilizer



Cooperative Ltd.

The learned counsel for the petitioner, Sri Ajay Kumar Thakur has submitted that the petitioner had approached this Court for grant of bail on an earlier occasion, however, a coordinate Bench of this Court, by an order dated dated 26.07.2018 passed in Criminal Miscellaneous No. 42728 of 2018, had rejected the petitioner's prayer for bail, however, the trial court was directed to expedite the trial and conclude the same within a year, nonetheless, liberty was granted to the petitioner to renew his prayer for bail, in case the trial is not concluded within the said period. It is submitted that more than two years have lapsed, subsequent to the passing of the said order dated 26.07.2018, by a coordinate Bench of this Court and the trial is yet to conclude. The petitioner is stated to be languishing in custody since 04.05.2018.

Per contra, the learned APP for the State has vehemently opposed the prayer for 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 period of incarceration of the petitioner herein and considering the sentence likely to be imposed upon the petitioner herein in case he is convicted, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Samastipur in connection with Tr. No. 3176 of 2018 arising out of Samastipur (Muffasil) P.S.Case No. 616 of 2013.

(Mohit Kumar Shah, J)

Ajay/-

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

