

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4703 of 2021

Arising Out of PS. Case No.-93 Year-2015 Thana- RAMGARH District- Kaimur (Bhabua)

Vishnu Deo Singh, Son of Suraj Deo Singh, Resident of Village - Suhiya,
Police Station - Shahpur, District – Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar, Adv.
For the BSFC : Mr.Shailendra Kr. Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 11-08-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual Court proceedings.

The petitioner seeks bail in a case registered for the offence punishable under Sections 420 and 409 of the Indian Penal Code and further on the request of Investigation Officer Sections 406, 467, 468, 471 and 120(B) of the Indian Penal Code have been added.

Prosecution case, in brief is that there is allegation of defalcation to the tune of Rs.1,08,62,448.96. So far this petitioner is concerned, it is alleged that he was checking truck challan and instead of challan of tempo he shows as challan of a truck.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case. He further submits that only allegation against the petitioner is that he certified the registration number of an auto-rickshaw and passed it off as a truck. The petitioner certified the registration no. UP-65AR-2507, as of a truck which was an auto-rickshaw in which a huge quantity of paddy was shown to be transported. This fact also come in the Anticipatory bail application has been granted bail by this High Court vide order dated 24.06.2019 passed in Cr. Misc. No.10108/2019 in paragraph 2 of the bail application. It is also mentioned by learned counsel for the BSFC opposed the prayer for bail the number of the truck mentioned in the challan were found to be of auto-rickshaw, which was shown in the involvement of the petitioner. However, he fairly conceded that the no.UP65R is of a truck. Showing this fact the co-accused has been granted Anticipatory Bail by this High Court.

Learned counsel for the petitioner further submits that charge-sheet has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has retired from service. The petitioner is languishing in judicial custody since 30.09.2020. The petitioner has got no criminal antecedent which is mentioned in para 3 of the bail petition.



Learned counsel for the BSFC vehemently opposed the prayer for bail of the petitioner and submits that petitioner is involved in defalcation in this case.

Considering the custody of the petitioner and charge-sheet has been submitted in this case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with G.R. No.767/2015 (Tr. No. 197/2019) arising out of Ramgarh P.S. Case No. 93/2015 to the satisfaction of learned Court below where the case is pending/ successor Court.

(Anjani Kumar Sharan, J)

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