

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8514 of 2021

Arising Out of PS. Case No.-8 Year-2016 Thana- BHAPTIAHI District- Supaul

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Md. Khalid, male, aged about 65 years, Son of Late Md. Farooque, Resident of Village- Jairamgerha, P.S.- Araria, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar through Vigilance Deptt., Govt. of Bihar, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Deepak Kumar, Adv.
For the Vigilance	:	Mr. Rana Vikram Singh, Adv.
For the State	:	Mr. Narendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 21-12-2021 Heard Mr. Deepak Kumar, the learned Advocate for the petitioner and Mr. Rana Vikram Singh, the learned Spl. P.P. for the Vigilance Department. The State is represented by the learned APP, Mr. Narendra Kumar Singh.

The petitioner seeks bail in anticipation of his arrest in connection with Bhaptiyahi P.S. Case No. 08 of 2016 (Special (VT) Case No. 22 of 2019 instituted for the offences under Sections 406, 409, 420 and 120(B) of the



Indian Penal Code and Sections 12/13(2) read with 13(i)(d) of the Prevention of Corruption Act.

The F.I.R. was initially registered against one Arbind Kumar, the proprietor of Raghupati Rice Mill, who did not return the requisite custom milled rice despite an agreement at the time of purchase of paddy. While he was being prosecuted and investigations were being conducted, the complicity of the petitioner and two others also surfaced.

One Md. Nasir Hussain, the then Additional Senior Collector and Shailesh Kumar, an Executive Assistant, along with the petitioner were made accused. The petitioner at the relevant time was the Manager of F.C.I., Supaul. The accusation against him is of giving a long rope to aforesaid Arbind Kumar in the matter of return of the custom milled rice commensurate with the quantity of paddy which he had received.

It has been submitted on behalf of the petitioner that aforesaid Arbind Kumar, the proprietor of the rice mill, has been granted anticipatory bail by the Court below. Aforesaid Md. Nasir Hussain, the then Additional Senior



Collector, has also been granted the same privilege by the Court below. It has further been submitted that immediately after the agreement, the petitioner was transferred from Supaul and, therefore, he had no opportunity of taking steps for recovery of the custom milled rice from the rice-miller.

Regard being had to the aforesaid facts, namely, grant of anticipatory bail to the other functionaries of the F.C.I. as well as to the rice-miller and there being nothing to indicate that the petitioner had conspired to enter into an agreement with Arbind Kumar knowing that he shall not respect the agreement, the petitioner, namely, Md. Khalid, in the event of his arrest or surrender before the learned Court below within a period of four weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Vigilance), Bhagalpur in connection with Bhaptiyahi P.S. Case No. 08 of 2016 (Special (VT) Case No. 22 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.



The application stands allowed.

(Ashutosh Kumar, J)

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