

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12187 of 2021**

Arising Out of PS. Case No.-243 Year-2019 Thana- TRIVENIGANJ District- Supaul

DIP NARAYAN SARDAR Son of Mojilal Sardar Resident of Ward No. 01,
Thalha Garhia, P.S.- Tribeniganj, District- Supaul.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Arun, Advocate

For the Opposite Party/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 16-02-2022 Due to the third wave of COVID-19 Pandemic, the
matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks after restoration of normalcy.

The petitioner is apprehending his arrest in a case
registered under Sections 406, 409, 420/34 of the Indian Penal
Code.

The prosecution allegation, in short, is that the paddy
worth Rs. 7,10,640/- was embezzled by the accused persons.



It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been made accused due to mistake of fact. It has further been submitted that there was some miscalculation in respect of the procurement of paddy by the PACS. The embezzled amount 7,10,640/- has already been deposited by the co-accused who happens to be Chairman of the PACS. In the said circumstances, no wrongful loss has been made to the State or no wrongful gain has been caused to the petitioner. The aforesaid statement has been made by the petitioner in paragraph 6 of his bail application and the said co-accused has been granted regular bail by the Court below.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in



covid cases.

Considering the aforesaid facts and circumstances, the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bonds to the satisfaction of learned A.C.J.M.- 1st Supaul in connection with Tribeniganj P.S. Case No. 243/19, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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