

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15150 of 2021

Arising Out of PS. Case No.-160 Year-2020 Thana- SAHARSA SADAR District- Saharsa

SATISH PRASAD SRIVASTAVA Son of Late Dinanath Prasad Resident of
Mohalla - Indrapuri House No.- 06, Post Office - Keshri Nagar, P.S.-
Patliputra, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Upadhyay, Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 28-02-2022 Heard Mr. Manoj Kumar Upadhyay, learned Advocate
for the petitioner and the learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in
connection with Saharsa Sadar P.S. Case No. 160 of 2020 dated
19.02.2020 instituted for the offences under Sections 406, 409,
420 and 34 of the Indian Penal Code.

The petitioner had been an employee of the State Food
Corporation but after his retirement, he has been given part-time
employment as Assistant Manager on contract.

On a starred question by a member of the Legislative
Assembly with respect to suspicion over recycling of CMR and
embezzling government money in the garb of procuring paddy
and then giving the CMR to the State Food Corporation, an audit
was conducted in which six issues/irregularities were found which
necessitated investigation. On the basis of the aforesaid report
made by the District Manager, State Food Corporation, Saharsa,
the subject FIR has been registered.



Learned counsel for the petitioner/s has submitted that with respect to each of the charges in the FIR, the petitioner is not responsible for the same.

The petitioner has been working as An Assistant Manager on contract, who has been assigned the duty of supervising the work at nine centres within a radius of approximately 10-15 kms.

Assuming but not admitting, it has been urged that there were some lapses in storage of CMR or in maintaining proper ledger with respect to the vehicles used for procuring wheat or paddy as the case may be, the petitioner cannot be solely held responsible for the same.

Despite the petitioner having retired from service and having been re-employed on contract, he has been subjected to a departmental show-cause notice to which also he has replied.

The stock reply of the petitioner appears to be that he is not responsible for the lapses which have been found in the audit of the State Food Corporation, Saharsa.

Considering the nature of accusation against the petitioner where the allegations are yet to be verified and substantiated, the petitioner is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 160 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.



The petitioner shall, however, participate in the investigation and any attempt on his part to withhold necessary information to the investigating agency would render his anticipatory bail liable to be cancelled.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

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