

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39494 of 2021

Arising Out of PS. Case No.-17 Year-2015 Thana- KUNDWACHAINPUR District- East
Champaran

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Upendra Kumar Son Of Dhannu Sah Resident Of Village - Kaprapatti, Ps -
Bairgania, District - Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Chairman, Bihar State Food Corporatiion, Patna. Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Ashhar Mustafa
For the Opposite Party/s :	Mr. Parmeshwar Mehta
For the BSFC	Mr. Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 25-07-2022 Heard learned counsel for the parties.

Learned counsel for the petitioner undertakes to remove the defects within three weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 406, 409, 420, 120B of the Indian Penal Code.

The petitioner in association with the rice miller under a well-knit conspiracy is said to have embezzled huge amount of government money.

It is submitted by learned counsel for the petitioner that petitioner is innocent, not named in the FIR and has been



falsely implicated in this case. He submits that the petitioner has been made accused in this case on the basis of suspicion. Petitioner is a Block Agricultural Officer and once S.I.O. is issued to miller, a Block Agricultural Officer has no right to refuse delivery of paddy to the miller. He submits that there is general and omnibus allegation levelled against the petitioner. It is also submitted that similarly situated co-accused Smt. Shila Devi who is the proprietor of the rice mill has already been granted anticipatory bail vide order date 18.08.2015 passed in Cr. Misc. No. 32083 of 2015. He further submits that petitioner has no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances of the case and the fact that there is no specific overt act against the petitioner, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is



pending/successor court in connection with Kundwa Chainpur
P.S. Case No. 17 of 2015, subject to the condition as laid down
under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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