

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45666 of 2021

Arising Out of PS. Case No.-129 Year-2018 Thana- SIKTA District- West Champaran

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Rameshwar Prasad Singh, Son of Raghunath Singh, Resident of Village-
Deshraipur, P.S.- Mahnar, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Amrendra Kumar Srivastav, Additional District Manager, State Food
Corporation, Bettiah.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Nilesh Kumar, Advocate
For the Opposite Party/s	:	Mr. P. Rameshwar Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 23-06-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Ajay Kumar Thakur, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Sikta P.S. Case No. 129 of 2018 for the offence
punishable under Section 409 of the Indian Penal Code.

As per prosecution case, it is alleged that while the
petitioner was posted as Assistant Godown Manager at Sikta
TPDS Godown and he was relieved from the work in the light
of the order dated 01.06.2018 and directed to hand over the



charge of his Godown to one Shri Satish Prasad Singh and Shri Arun Kumar, but the petitioner instead of handing over the charge of aforesaid Godown remained absconded along with the keys, stock register, sale register and inward register. It is also alleged that the petitioner had caused loss of food-grains to the tune of Rs.70,32,019.

It is submitted by the learned counsel appearing on behalf of the petitioner that while he was on duty, he felt chest pain and due to which he left his office after submitting leave application, though after recovery from his illness he wrote several letters requesting the authorities to take charge of the Godown, but none adhered to. In support of his contention, Annexures- 3, 4 and 4/1 have been brought on record. It is further submitted that there is a miscalculation in preparation of inventory, inasmuch as, the food-grains, which were supplied and rotten due to the flood etc. that has not been detected while quantifying the total damages. It is further submitted that with regard to the similar occurrence in connection with Yogapatti TPDS Godown, he has also been made accused in Yogapatti P.S. Case No. 604 of 2018 after levelling the identical allegation, however, a coordinate Bench of this Court in Cr. Misc. No. 47346 of 2021 vide its order dated 22.03.2022 has been pleased



to grant bail to the petitioner. It is next submitted that this petitioner is a retired employee and he was given the present job on contractual basis and in his entire service career he had never been put on departmental proceeding or implicated in any other case. It is also submitted that with regard to the present crime, the investigation is already completed and charge-sheet has been submitted and he is in custody since 07.04.2021.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that on account of the illegalities committed by this petitioner, a huge loss of Rs.70,32,019/- has been caused to the public exchequer.

It is also to be noted that earlier notice was issued to opposite party no.2 (informant of the present case) and the same was duly received by his wife, but in spite of the service of notice he did not choose to appear.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the matter relates to calculation of the food-grains and after conclusion of the investigation charge-sheet has been submitted inasmuch as in identical matter the petitioner has been granted bail by learned coordinate Bench of this Court and the petitioner is custody since 07.04.2021, let the petitioner, named above, be



released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, West Champaran, Bettiah in connection with Sikta P.S. Case No. 129 of 2018 (**The petitioner shall be released after framing of charge and if the charges have already been framed, the petitioner shall be released forthwith**) subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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