

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45260 of 2022

Arising Out of PS. Case No.-170 Year-2022 Thana- RAGHOPUR District- Supaul

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KUNDAN KUMAR Son of Kesho Prasad Singh @ Keshow Prasad Singh
Resident of Village- Yadu Bigha, P.S.- Haspura, District - Aurangabad (Bihar)
at present resident of House Quarter No.- 12, Street Road DVC Colony,
Naisarai Area Sector, P.S.- Ramgarh Cantonment, District - Ramgarh,
Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr.Pawan Kumar Singh, Advocate
For the State	:	Mr. Ramchandra Prasad Bharti, Advocate Mr.Parmeshwar Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-12-2022 Heard the learned senior counsel for the petitioner and

the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Raghopur P.S. Case No. 170 of 2022 for the offence registered
under Sections 420, 409 and 34 of the Indian Penal Code.

The prosecution case, as per the written report of the
Manager (AAGAR), ARDC, Raghopur F.C.I., Saharsa, is that a
surprise inspection was held by a joint inspection team at the
godown situated at F.C.I., ARDC, Raghopur on 19.02.2022 by
the Divisional Manager, F.C.I., Saharsa and other officials and
upon inspection only 320 bags of wheat food grains were found
instead of total stock mentioned as 2187 bags. It is alleged that



the Manager (Quality Control), F.C.I., ARDC, Raghapur, namely, Pradeep Kumar Singh, who was In-Charge of the said godown, had embezzled the food grains amounting to a sum of Rs. 1,12,32,490/-, in connivance with other officials posted at the said place including the petitioner herein, who is stated to be working as Assistant-III class (Dipo) F.C.I., ARDC Raghapur.

The learned senior counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 27.04.2022. The learned senior counsel for the petitioner has submitted that the petitioner is a very junior employee, who was posted at a place situated at a distance of three kilometres from the godown in question, hence, he has got no complicity in the matter. It is also submitted that the main accused, namely, Pradeep Kumar Singh, has already been granted bail by a Co-ordinate Bench of this Court vide order dated 09.12.2022 passed in Criminal Misc. No. 50175 of 2022.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel



for the petitioner and taking into account the materials available on record as also considering the parity of the case of the petitioner with that of the co-accused person who has already been granted bail, apart from the fact that the petitioner is not stated to be either the Manager or In-Charge of the godown in question, I deem it fit and proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Birpur in connection with Raghapur P.S. Case No. 170 of 2022.

(Mohit Kumar Shah, J)

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