

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84064 of 2019

Arising Out of PS. Case No.-75 Year-2016 Thana- LAHERIYASARAI District- Darbhanga

ALOK THAKUR @ ALOK KUMAR THAKUR, Male, aged about 36 years,
son of Shri Bhabendra Thakur, resident of Village + P.O.- Bhachhi, P.S.-
Town, District- Madhubani.

... .. Petitioner

Versus

1. The State of Bihar.
2. Director, Midday Meal, Bihar, Patna.

... .. Opposite Parties

Appearance :

For the Petitioner : Mr. Baidya Nath Thakur, Advocate
For the Opposite Party : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

9 10-01-2022 Heard learned counsel for the parties through video
conferencing.

This application for anticipatory bail arises out of
Leheriasarai P.S. Case No. 75 of 2016 for the offence punishable
under Sections 406, 409 and 420 of the Indian Penal Code.

I have gone through the counter affidavit filed by
the District Programme Officer, Midday Meal, Darbhanga.

Mr. Baidya Nath Thakur, learned counsel for the
petitioner, has taken me to paragraph no.8 of the counter
affidavit filed on behalf of the Midday Meal Authorities in
which they have said that the vouchers of April, 2014 have not
been provided by the petitioner at the time of enquiry.

Learned counsel for the petitioner submits that the



petitioner is ready to provide the vouchers of April, 2014 to the authorities and they may conduct enquiry thereafter and come to a finding whether any misappropriation is there or not. He has also taken me to Clause-2 of the agreement, in between the petitioner and the Midday Meal authorities, which shows that in case of any dispute in the quantity of rice, the Block Service Provider and the Contractor will be equally liable for the same. He further submits that the F.I.R. has been registered only against the petitioner but the Block Service Provider has been left out.

Considering the aforesaid submission, the Midday Meal Authorities are directed to conclude the enquiry within next three months and shall submit a report in the Court below. If upon enquiry, it is found that there has been any misappropriation of rice, which is shown to have been lifted and distributed then the misappropriated amount is to be equally paid by the Block Service Provider and the petitioner.

For the reasons stated hereinabove, this bail application is allowed.

Let the petitioner, above named, in the event of his arrest/surrender within eight weeks from today in the Court below, be released on *provisional bail* on furnishing bail bond



of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Darbhanga, in connection with Leheriasarai P.S. Case No. 75 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

However, initially the Court below shall release the petitioner on provisional bail for a period of four months and thereafter the Court below shall consider the enquiry report and the observations made in this order and take a decision either to confirm the provisional bail or recall the same. If the enquiry report suggests that there is any defalcation/misappropriation of rice and if the petitioner deposits his part of defalcated amount then his provisional bail shall be confirmed and if he does not deposit his part of defalcated amount, in such circumstances, the provisional bail of the petitioner shall automatically be cancelled / recalled.

(Sandeep Kumar, J)

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