

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17408 of 2022

Arising Out of PS. Case No.-129 Year-2012 Thana- BIKRAM District- Patna

Devendra Nath Singh Son of Late Tilakdhari Singh Resident of House No. C/2, Jhula Niketan, Near Ramanand Apartment, Anandpuri, West Boring Canal Road, P.S. - Shrikrishnapuri, District - Patna (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Director General of Police, Economic Offences Unit, Bihar.
2. Bihar State Food and Civil Supplies Corporation Limited through its M.D. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rakesh Kumar
For the Opposite Party/s	:	Mr.V.N.P. Sinha(E.O.U.)
		Mr.Soni Shrivastava
For the BSFC	:	Mr.Shailendra Kumar Singh
		Mr.Utkarsha Utpal

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

15 21-09-2023 Heard counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 467, 468, 420, 409 of the Indian Penal Code and section 13(2) and 13(1)(a) of the Prevention of Corruption Act.

3. The present case has been instituted on the basis of written complaint of Shri Mahavir Prasad Sharma, the Senior Deputy Collector-cum-Incharge District Manager, State Food Corporation, Patna in which it has been alleged that in light of audit/inquiry report submitted by the Departmental Audit Team,



it was found that Shri Pramod Ranjan Kumar Sinha, the then Incharge Manager Bikram Godown has committed defalcation of Rs. 7,69,07,668/- in purchase of paddy and wheat.

4. It is submitted that petitioner is not named in the FIR and even his name has not been whispered during course of investigation and all of a sudden name of petitioner has been dragged in the present case on the basis of wrong assumption of EOU. It is further submitted that the thrust of allegation against petitioner is that he has made Pramod Ranjan Kumar Sinha as Incharge of Godown illegally and against the rules of the State Food Corporation, whereas, the fact is that the Managing Director, Bihar State Food and Civil Supplies Corporation Ltd. vide letter no. 1111 dated 22.02.2007 directed the District Manager of State Food Corporation for deputing the employee as Assistant Godown Manager who are matriculation passed and working as Assistant/seller/4th Grade employee, to meet the shortage of Godown incharge for proper functioning of State Food Corporation. The petitioner in light of the said order appointed Pramod Ranjan Kumar Sinha as Assistant Godown Manager. It is further submitted that department has also initiated departmental proceeding against the petitioner and after verifying everything exonerated him from such allegation. It is



next submitted that petitioner has already been retired from service on 30.04.2012 without there being any adverse remark in the entire service period.

5. Counsel for Opposite Parties opposed the prayer for bail.

6. Considering the rival submission made on behalf of the parties and the materials available on record, the petitioner above-named, in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on 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 Special Judge Vigilance -I, Patna in connection with Bikram P.S. Case No. 129 of 2012, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further conditions:-

- (i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court



below.

(ii) If the petitioner tampers with the evidence
or the witnesses of the case, in that case,
prosecution will be at liberty to move for
cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

vinita/-

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