

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47265 of 2022

Arising Out of PS. Case No.-74 Year-2022 Thana- BETTIAH CITY District- West
Champaran

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BINOD KUMAR Son of Sri Kedar Lal Baranwal Resident of Village -
Machhindra , P.S.- Jhajha, District - Jamui at present District Accounts
Manager, District - Heath Society, D.P.M. office, Block Campus, Bettiah, P.S.
- Bettiah town, District - West Champaran.

... .. Petitioner/s

Versus

(i) The State of Bihar

(ii) Civil Surgeon cum Chief Medical Officer, Bettiah, West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Thakur, Sr. Advocate
		Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s :		Mr.Jitendra Kumar Singh,APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 25-01-2023 Heard Mr. Ajay Kumar Thakur, learned Senior

Counsel for the petitioner duly assisted by Mrs. Vaishnavi Singh
and Mr. Jitendra Kumar Singh, learned APP for the State.

The petitioner apprehends his arrest in connection
with Bettiah Town P.S. Case No. 74 of 2022 for the offence
registered under Sections 420 and 409 of the Indian Penal Code.

As per the prosecution story, the Incharge Medical
Officer Primary Health Centre, Nautan, West Champaran on the
direction of the Civil Surgeon cum member Secretary District
Health Society, West Champaran, Bettiah lodged F.I.R. alleging
therein:

(i) the petitioner herein, was involved in the purchase



of 2,500 vial of medicine Anti-D Immunoglobulin worth Rs. 33,77,000/- without forming a purchase committee;

(ii) the allegation is that in the process, the medicines were purchased which had less than 24 months of expiry period;

(iii) the contract with the company had already lapsed still the order was placed in the said company.

Accordingly, the FIR was lodged.

Learned Senior Counsel for the petitioner submits that contrary to the allegation made in the FIR, the proceeding relating to the said purchase clearly show that not only committee was formed it also had approval of the then Civil Surgeon who put in his signature on 24.09.2013 whereafter the file was sent to the District Magistrate, West Champaran for approval. It was only thereafter that the medicines were purchased and as such, he can be made a scapegoat. The last submission is that he do not have criminal antecedent and if granted relief, the petitioner is ready to abide by all the terms and conditions.

Mr. Jitendra Kumar Singh, learned APP for the State was directed to file counter affidavit and the same is on record duly signed by the Civil Surgeon cum Member Secretary District Health Society, West Champaran, Bettiah.



A perusal of the same shows that it only deals with the Departmental Proceeding that has been initiated against the petitioner and is silent on the averment made in the bail petition that the said purchase was made only after the due approval of the then Civil Surgeon.

Taking into account the aforesaid facts that has come in the petition/averment made by the learned Senior Counsel, the petitioner do not have criminal antecedent, this Court is inclined to grant him privilege of anticipatory bail.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, West Champaran, Bettiah in connection with Bettiah Town P.S. Case No. 74 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C with the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bonafide;

(ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(iv) the petitioner shall desist from committing any criminal offence against failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Jagdish/Neha/-

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