

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57175 of 2022

Arising Out of PS. Case No.-222 Year-2022 Thana- BIKRAM District- Patna

Manoj Kumar S/O Late Bechhu Rajak Resident Of Village- Adarsh Colony,
Nmch, Road, P.S.- Agamkuan, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh

For the Opposite Party/s : Mr.Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-01-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 379, 409, 34 of the Indian Penal Code.

Allegation against the petitioner is that he being Health Manager of Primary Health Centre, Bikram telephoned security guard in duty at about 10.30 PM directing him to allow replacing of new generator in place of old one.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The generator machine and other articles as per supplier's receipt was received by in-charge Medical officer on 19.08.2021. An enquiry committee of doctors in its report dated 26.04.2022 remarked that generator looks like old one. The



universal Surgical Enterprises had also written a letter to in-charge Medical Officer, PHC, Bikram that generator earlier supplied was defective and therefore, another generator on 22.05.2022 was supplied. Hence, no case under Sections 409 and 379 of IPC is made out against the petitioner. He submits that there is specific overt act against the petitioner. He further submits that petitioner has no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances of the case, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bikram P.S. Case No. 222 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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