

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70681 of 2022

Arising Out of PS. Case No.-260 Year-2019 Thana- RAGHOPUR District- Supaul

NATHNESHWAR SINGH @ NATHO SINGH S/o Sri Upendra Narayan
Singh R/V- Hasanpur, Jamunghat, P.S.- Raniganj, Distt- Araria, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Advocate
	:	Ms. Diksha Kumari, Advocate
	:	Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s :	:	Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-04-2023 Heard learned senior counsel appearing on behalf of
the petitioner and learned Additional Public Prosecutor
appearing on behalf of the State.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

The accused/petitioner is named in F.I.R and
apprehending his arrest in connection with Raghapur P. S. Case
No. 260 of 2019 registered for the offences punishable under
Sections 407, 409, 420/34 of the Indian Penal Code.

The allegation against the petitioner is to
embezzlement sum of Rs. 9,58,613.24/- (Nine Lakh Fifty Eight
Thousand Six Hundred Thirteen Rupee Twenty Four Paise)
from BISCOMAUN, along with other co-accused persons,



where it is alleged that fertilizers were not accounted properly which was sent to different Kisan Seva Kendra set up at different places of district.

Learned senior counsel appearing on behalf of the petitioner submitted that no such occurrence as alleged ever took place and the implication of the petitioner is completely based upon suspicion as he appears to be a transporter of the alleged fertilizers which were supposed to be delivered to different Kisan Seva Kendra. It is submitted that embezzlement of Rs. 7,52,142.24 and Rs. 2,06,471/- were deposited by co-accused Ganesh Kumar and Baldev Ram and no specific involvement of petitioner was alleged to be surfaced, during the course of investigation, as raised through present FIR. While concluding the argument, it is submitted that other co-accused person, namely, Satyarupam Satya has already been granted anticipatory bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 3540 of 2023 vide order dated 06.04.2023.

Learned APP for the State, while opposing the prayer of bail conceded that petitioner appears to be transporter.

Considering the aforesaid facts and circumstances and by taking note of the fact as petitioner appears to be transporter



without having any specific involvement in alleged embezzlement of Rs. 9,58,613.24, let above named petitioner, in the event of his arrest or surrender before Court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Birpur, Supaul/concerned Court, in connection with Raghapur P. S. Case No. 260 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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