

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40257 of 2024

Arising Out of PS. Case No.-300 Year-2022 Thana- SAHPUR District- Patna

Baleshwar Prasad Son of Late Balika Prasad Resident of Village- Kothawan,
Khagaul, P.S- Khagaul , Dist- Patna Bihar

... .. Petitioner/s

Versus

1. The State Of Bihar Patna
2. Raj Kishore Singh Son of Late Hryadeya Narayan Singh Resident of Village
and P.O- Sikaraul (Lakh), Dist- Buxar Bihar
3. The Bihar State Food And Civil Supplies Corporation Through The District
Manager Patna Dist- Patna ,Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Kant Kumar, Advocate
For the State	:	Mr. Parmeshwar Mehta, APP
For the BSFC	:	Mr. Shailendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-09-2024 Heard Mr. Ravi Kant Kumar, learned counsel for

the petitioner, Mr. Parmeshwar Mehta, learned Additional Public

Prosecutor for the State and Mr. Shailendra Kumar Singh,

learned counsel appearing on behalf of the Bihar State Food and

Civil Supplies Corporation.

2. The petitioner is apprehending his arrest in

connection with Sahpur P.S. Case No. 300 of 2022, F.I.R. dated

24.06.2022 for the offences punishable under Sections 420, 409

and 34 of the Indian Penal Code.

3. According to prosecution case, petitioner is said to

have involved in misappropriation of the Government fund.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that after the audit report the petitioner has not received any notice from the respondent no.3 with respect to cash balance of Rs. 32,05,706/- (thirty two lakh five thousand seven hundred six) and from a bare perusal of the audit report it appears that no audit report was submitted by the auditor from the financial year 2016 to 2022 but merely an audit report has come by which it is alleged that the petitioner has committed fraud with the respondent no.3. He further submits co-accused persons, namely, Arun Kumar Singh @ Arun Kumar has been granted the privilege of anticipatory bail by this Court vide order dated 03.10.2023 passed in Cr. Misc. No. 34646 of 2023 and co-accused person, namely, Ravinder Singh @ Ravindra Kumar Singh has also been granted the privilege of anticipatory bail by this Court vide order dated 04.10.2023 passed in Cr. Misc. No. 28168 of 2023.

5. learned counsel for the B.S.F.C. as well as learned Additional Public Prosecutor for the State, on the other hand,



have vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released 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 Judicial Magistrate 1st at Danapur, Patna in connection with Sahpur P.S. Case No. 300 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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