

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82901 of 2023

Arising Out of PS. Case No.-76 Year-2022 Thana- DHANSOI District- Buxar

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SRI PALLAV SINGH @ PALLAV SINGH S/O SRI RAJKISHORE SINGH
R/O 59 L.I.C. COLONY, P.S- PATRAKARNAGAR, KANKARBAGH,
DISTT.- PATNA.

... .. Petitioner/s

Versus

1. The State of Bihar
2. THE MANAGING DIRECTOR, BISCOMAUN SIXTH FLOOR,
BISCOMOUN TOWER, WEST GANDHI MAIDAN, PATNA-1

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Shamimul Hoda, Advocate
For the Opposite Party/s : Mr. Ramchandra Sahni, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 07-03-2024 Heard Mr. Shamimul Hoda, learned counsel for the

petitioner, learned APP as also Mr. Ashish Giri, learned counsel

for the BISCOMAUN.

2. The petitioner is apprehending his arrest in
connection with Dhansoi P.S. Case No. 76 of 2022 for the
offence under sections 406, 409, 420, 34, 120(B) of the I.P.C.
lodged on 13.05.2022 by the informant, Vishal Singh.

3. As per the prosecution story, the informant happens
to be the Regional Officer of the BISCOMAUN at Buxar and it
is alleged that the then Assistant Godown Manager, Dhansoi and
Peon, Arun Kumar Singh have not deposited the sale proceeds
of the fertilizers and they defalcated the amount of Rs.



5,60,641/-.

4. Learned counsel for the petitioner submits that he used to deposit the amount with Arun Kumar Singh but failed to subsequently deposit the entire amount resulting into the present case. He submits that though he has been implicated, FIR lodged, he will have to face the trial, for the present, irrespective of the outcome of the present case and/or accepting the allegation, he is ready to pay half of the amount of Rs. 2,80,622/-. He submits that in case the relief is granted to him, he will be paying Rs 2,00,000/- at the time of execution of bail bond and rest of the amount in two installments beginning April, 2024 and ending 31st May, 2024.

5. Mr. Ashish Giri, learned counsel appearing on behalf of the BISCOMAUN opposes the prayer stating that though Arun Kumar Singh subsequently granted anticipatory bail in Cr. Misc. No. 71697 of 2022 (Annexure-P-7 to the petition), as he was not noticed, the same could not be opposed. He submits that both Arun Kumar Singh and this petitioner siphoned of Rs. 5,60,641/- and as such he is not entitled to the relief.

6. Taking into account the aforesaid facts, though allegation is there against the petitioner, he do not have criminal



antecedent, similarly situate Arun Kumar Singh has been granted anticipatory bail as submitted by the learned counsel for the petitioner, FIR has been lodged, he will have to face the trial, for grant of anticipatory bail, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs. 2,00,000/- at the time of execution of bail bond and rest of the amount (Rs. 80,622/-) in two installments beginning April, 2024 and ending 31st May, 2024.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM-V, Buxar, in connection with Dhansoi P.S. Case No. 76 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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

(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 the bail bonds;

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

(Rajiv Roy, J)

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