

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25325 of 2025

Arising Out of PS. Case No.-67 Year-2016 Thana- EKMA District- Saran

AMRIT RAJ S/O MOHARLAL SINGH R/O Vill.- Banauta Tole Bathuee,
P.O.- Maker, P.s.- Parsa, Dist.- Saran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. THE BIHAR STATE CIVIL SUPPLIES CORP. LTD. THROUGH ITS
DIST. MANAGER, CHHAPRA SARAN
3. VIGILANCE DEPT. GOVT. OF BIHAR, PATNA BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Om Prakash Singh, Advocate
	:	Mr. Jagjit Roshan, Advocate
	:	Mr. Anjani Kumar, Advocate
	:	Mr. Apul, Advocate
	:	Mr. Shashank Shekhar, Advocate
For the Opposite Party/s	:	Mr. Rajendra Singh, APP
For the BSFC	:	Mr. Shailendra Kumar Singh, Advocate
	:	Mrs. Shilpi Singh, Advocate
For the Vigilance	:	Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-05-2025 Heard Mr. Om Prakash Singh, learned counsel for the petitioner, Mr. Shailendra Kumar Singh, learned counsel for the Bihar State Food Corporation, Mr. Arvind Kumar, learned counsel for the Vigilance Department and Mr. Rajendra Singh, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Ekma P.S. Case No. 67 of 2016, F.I.R. dated 29.03.2016 for the offences punishable under Sections 406, 409, 420 of Indian Penal Code.



3. As per the First Information Report, the proprietor of Jai Maa Rice Mill, namely, Jitendra Kumar Mahta has embazzled paddy worth Rs. 78,95,288.43/-. Petitioner was contract employee of BSFC and performing the duty of Office Assistant-cum-Data Entry Operator.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. It transpires from the FIR that the FIR was instituted in the year 2016 in which the petitioner was not named in the FIR rather the FIR was instituted against co-accused, namely, Jitendra Kumar Mahto who was the rice miller of the present occurrence and he has been granted the privilege of anticipatory bail vide order dated 18.10.2016 passed in Cr. Misc No.-40588 of 2016 by the co-ordinate bench of this Court and apart from the name of the petitioner has not been incorporated in the first chargesheet submitted by the prosecution.

5. The learned Additional Public Prosecutor, learned counsel for the BSFC and learned counsel for the Vigilance Department have vehemently opposed the prayer for bail of the petitioner and submits that the petitioner also participated in the present crime in question.



6. Considering the aforesaid facts and circumstances, the petitioner has clean antecedent and the prosecution has not incorporated the name of the petitioner in the first chargesheet and co-accused person, namely, Jitendra Kumar Mahto has been granted the privilege of anticipatory bail by the co-ordinate bench of this Court, 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 Court of Special Judge, Vigilance, Muzaffarpur in connection with Ekma P.S. Case No. 67 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita 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 bond 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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