

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69177 of 2023

Arising Out of PS. Case No.-112 Year-2015 Thana- SAUR BAZAR District- Saharsa

Haridwar Thakur

... .. Petitioner/s

Versus

The State Of Bihar Through The Vigilance

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Mishra, Adv
For the BSFC	:	Mr. Shailendra Kumar Singh, Adv
		Mr. Utkarsh Uptal, Adv
		Ms. Shilpa Singh, Adv
For the Vigilance		Mr. Anil Singh, Adv
For the State		Mr. chandra Bhushan Prasad, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

7 10-04-2025 Heard learned counsel for the petitioner, learned counsel for the BSFC, learned counsel for the vigilance and the State.

2. Petitioner apprehends his arrest in connection with Special Vigilance Case No. 950 of 2015 arising out of Sour Bazar P.S.Case No. 112 of 2015 registered for the offences punishable under Sections 406, 420, 409, 467, 468, 471, 120(B) of the Indian Penal Code and section 12,13, (2),13(i) (d) of the Prevention of Corruption Act.

3. The prosecution case is that under an agreement there was a supply of 30277.78 quintals of paddy of Saharsa unit of Bihar State Food & Civil Supply Corporation (BSFC) during the agriculture season 2012-13. When a supply of



20286.11 quintals of Customed Milled Rice (CMR) was to be supplied by co-accused Yubraj Bhagat, who was the rice miller but he failed to supply the said quantity and only 4313.35 quintals of CMR was supplied by him.

4. Learned counsel for the petitioner submits that the petitioner has not been named in the first information report and he happens to be an Executive Assistant on contractual basis in the corporation with a duty to maintain the resister. It has further been submitted that petitioner is in no way the beneficiary of the CMR and the person, who is directly responsible for supply of the said CMR is co-accused Yubraj Bhagat, who is the owner of the rice mill and he is also the named accused in the FIR. It has been brought to the notice of this Court that the said Yubraj Bhagat has already been granted the privilege of anticipatory bail vide order dated 03.07.2015 passed in Cr. Misc. No.36586 of 2015, which has been annexed as Annexure-2 to this petition. Learned counsel for the petitioner also submits that the petitioner being a contractual employee, did not have much role to play and as on today, he has already lost his job.

5. Learned APP , Viligance and BSFC oppose the bail application. Learned counsel for the BSFC has invited the attention of this Court to the counter affidavit filed by the



SHO , Sour Bazar, Saharsa stating in paragraphs 3,4,5 and 6 that the petitioner had an active role in the said case and that he was the person who used to put his signature on the challan on the basis of which the paddy was delivered to the miller on the basis of the said challan and thus he co-operated in the embezzlement of the paddy.

6. It has been submitted by the learned counsel for the vigilance that there is delay on the part of the petitioner in approaching this court for grant of anticipatory bail as also the petitioner has also been made accused in two other cases of the same nature. However, in response to the same, it is submitted by the learned counsel for the petitioner that the petitioner has already been granted anticipatory bail in other two cases of the same nature one of them being vide order dated 05.09.2024 passed in Cr. Misc. No. 70300 of 2023.

7. Considering the facts that the petitioner has already been granted privilege of anticipatory bail in the case of similar nature which was also lodged at the same time and considering that the petitioner was a contractual employee and has already lost his job, I am inclined to grant privilege of anticipatory bail to the petitioner. Accordingly, in the event of his arrest/ surrender within a period of four weeks from today the



petitioner shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand)with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-V cum Special Judge, Vigilance, Bhagalpur in Sour Bazar P.S. Case No.112 of 2015, subject to condition as laid down under Section 438(2) of the Cr.P.C and subject to the further condition that (i) the petitioner shall co-operate in investigation/ trial.(ii) the learned court shall verify the criminal antecedent of the petitioner before releasing him on bail.

(Soni Shrivastava, J)

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