

TIN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13833 of 2015

Arising Out of PS.Case No. -11 Year- 2015 Thana -KASBA District- PURNIA

Sanoj Kumar, Son of Shivjee Paswan, Resident of vill. - Budhanpur, P.O. Mubarakpur, P.S.- Barh, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. The Bihar State Food Corporation through the District Manager, Purnia

.... Opposite Party/s

Appearance :

For the Petitioner : Mr. Rana Baljit Singh, Advocate
For the State : Mr. R.B. Roy Raman(APP)
For the BSFC : Mr. Shailendra Kumar Singh, Advocate

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 23-09-2015 Heard learned counsel for the petitioner and the learned counsel appearing on behalf of the BSFC as well as the learned counsel appearing on behalf of the State.

The petitioner, being the Assistant Godown Manager of Garhbanali and Shishabari, is apprehending his arrest in connection with Kasba P.S. Case No.11 of 2015 registered for the offence under Sections 406, 407, 409, 420, 120B, 467, 468 and 471/34 of the Indian Penal Code and Section 7 of the Essential Commodities Act.

Learned counsel for the petitioner submits that the petitioner being Assistant Godown Manager was also designated as Quality Control Manager and, therefore, being entrusted with



such a task, he has no role to play in the lifting of CMR rice from the godown; rather it was the Lifting Officer, who had been entrusted with the duty of having the rice lifted from the godowns and given to the transporters for being forwarded to the respective godowns. Learned counsel for the petitioner has also pointed out to paragraph 40 of the case diary in which vide Letter Nos.3206 dated 17.1.2014 and 3237 dated 23.1.2014, the duty of lifting of CMR rice from the godown was entrusted to Ramcharitra Yadav and Shyam Kishore Gupta, designated as Lifting Officers. Learned counsel submits that these two co-accused had approached this Court and vide order dated 11.6.2015 passed in Cr.Misc. No.16240 of 2015, this Court has been pleased to extend the privilege of anticipatory bail to the two lifting-in-charge.

Considering the aforementioned facts and circumstances and that a Co-ordinate Bench has also extended the benefit of anticipatory bail and that the petitioner has given undertaking that they will co-operate with the prosecution at all relevant times, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of three weeks from the date of receipt/production of a copy of this 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 Sub-Divisional Judicial Magistrate, Purnea, in connection with Kasba P.S. Case No.11 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that one of the bailors in the present case shall be a blood relative of the petitioner, who shall, in the event of any change of address of the petitioner, communicate the same to the court below. It is further made clear that the petitioner shall appear before the court below at all the relevant dates and shall not abstain himself on two consecutive dates without there being any reasonable cause and without the liberty of the court.

(Anjana Mishra, J)

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