

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26773 of 2014

Arising Out of PS.Case No. -35 Year- 2014 Thana -MAHARAJGANJ District- SIWAN

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1. DHARAMNATH SINGH SON OF LATE RAM ASHISH SINGH.
RESIDENT OF VILLAGE - MUKUNDPUR, P.S.- EKMA, DISTRICT -
SARAN AT PRESENT BLOCK AGRICULTURE OFFICER,
UCHAKAGAON, DISTRICT - GOPALGANJ (BIHAR).

.... Petitioner/s

Versus

1. THE STATE OF BIHAR.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar

For the Opposite Party/s : Mr. Satyendra Nr.Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

4 13-01-2015 A supplementary affidavit has been filed which is kept on the record.

Heard the parties.

This is an application for anticipatory bail for the offence punishable under sections 420 and 409 of the I.P.C and section 7 of the E.C. Act.

The petitioner being Incharge of purchase of wheat to the tune of 18,348 quintal 50 kg. out of which in F.C.I. 10093 quintal 22 kg. was deposited and 6384 quintal 53 kg. was auctioned sold and 1605 quintal 75 kg. wheat was allegedly misappropriated which amounts to Rs. 22,89,863-73 paise.

Submission is that there was no safe storage and the F.C.I. did not agree to take the wheat and thereafter it was decided to sale the wheat in auction and the auction purchaser purchased only 6384 quintal 53 kg. wheat and the rest was damaged so there is no case of misappropriation rather it is a

case of damage and further at the time of inspection the I.O. has also found some wheat and rice kept in the godown. The learned A.P.P. opposes the prayer of pre-arrest bail by submitting that loss of Rs. 22,89,863-73 paise as per the market rate has been caused due to misconduct of the petitioner.

Considering the submission and going through the F.I.R and the case diary it appears that 1605 quintal 75 kg. of wheat were not found in the godown and in auction only 6384 quintal 53 kg. wheat were given to the GARIMA UDHOG TRADING COMPANY and as such this Court is not persuaded to grant privilege of pre-arrest bail to the petitioner and accordingly such prayer of the petitioner is rejected in connection with Maharajganj P.S. Case No. 35 of 2014 pending in the court of C.J.M. Siwan.

(Jitendra Mohan Sharma, J)

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