

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 30611 of 2014

Arising Out of PS.Case No. -265 Year- 2013 Thana -SAMASTIPUR District- SAMASTIPUR

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Rajeev Kumar S/o Rameshwar Prasad Singh Resident of Village-Sihma,
P.S.-Matihani, District-Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vivekanand Prasad Singh

For the Opposite Party/s : Mr. Kr. Virendra Narayan (App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 14-01-2015 Heard Sri Vivekanand Prasad Singh, learned counsel
for the petitioner and learned Addl. Public Prosecutor.

The sole petitioner, who has claimed to be registered transport agent of State Food Corporation, apprehending his arrest in connection with Samastipur (Town) P.S. Case No. 265 of 2013 registered for the offence under Sections 407, 419, 420, 467, 468 & 471 of the Indian Penal Code, has prayed for grant of anticipatory bail.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He submits that since the petitioner was taking action against some of the officials of the State Food Corporation, vindictively the present case has been instituted. He further submits that it can hardly be a case of breach of contract since there was already an

agreement in between the petitioner and State Food Corporation. The track record of the petitioner is very good. He was discharging his duty as transport agent of the State Food Corporation. He further submits that even the alleged misappropriated amount has already been adjusted against bills of the petitioner and as such, no offence is made out. He has argued that the petitioner executes the work of agency through his worker, such as; driver, khalasi etc. and as such, wholly no responsibility can be fastened on the petitioner. On aforesaid ground, it has been prayed to grant anticipatory bail.

Fact remains that allegation has been made that the petitioner being transport agent, though had carried rice from the rice mill, had not delivered to the Bihar State Food Corporation and misappropriated a huge amount of **Rs. 15,41,535/-**. Moreover, the petitioner has been solely made an accused in the F.I.R.

In view of nature of accusation, I am not inclined to extend the privilege of anticipatory bail.

The petition stands dismissed.

(Rakesh Kumar, J.)

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