

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31182 of 2015

Arising Out of PS.Case No. -56 Year- 2015 Thana -BAIKUNTHPUR District- GOPALGANJ

Motilal Mahto, Son of Late Sheoratan Mahto, R/o village - Kadipur Tola Nabiganj, P.S.- Khaira, Distt. - Saran (Chapra) Block Co-Operative Officer, Baikunthpur, Distt. - Gopalganj

.... Petitioner/s

Versus

- 1. The State of Bihar.
- 2. The Bihar State Food Corporation.

.... Opposite Party/s

Appearance :

For the Petitioner : Mr. Surendra Kumar Mishra, Advocate
For the S t a t e : Mr. Sanjay Kumar Pandey (APP)
For the BSFC : Mr. Shailendra Kumar Singh, Advocate

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 15-09-2015 Heard learned counsel for the petitioner and the learned counsel for the BSFC as well as the learned counsel for the State.

The petitioner is apprehending his arrest in connection with Baikunthpur P.S. Case No.56 of 2015 for allegedly having committed the offence under Sections 420 and 409 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a very small Officer and the chain of events has led to the transactions in which the petitioner is facing defalcation charges. Learned counsel for the petitioner further submits that on account of paucity of space in the godown of the State Food



Corporation, purchases made from PACCS could not be retained in the godown and, therefore, there was some discrepancy in the paddy which was received at his Centre. Learned counsel for the petitioner submits that the amount in question is quite small inasmuch as only Rs.17,48,778/- have been alleged to have been defalcated at hands of the petitioner. He further submits that the petitioner is a responsible Government servant and is not likely to abscond or tamper with the evidence as many of the records have already been in possession of the police. It is further submitted that if at all any liability is attached to him, then it could be realized from the pension or any other such benefits which will be accruing to him in course of performance of duty.

Learned counsel for the Bihar State Food Corporation submits that in other cases, the petitioners have been asked to deposit 20% to 30% as is the charge in each case. However, learned counsel for the petitioner submits that the petitioner is a heart patient and on account of his suffering, he has no any amount at his disposal for making any such deposit and, therefore, his case will be treated with more generosity.

Considering the aforementioned facts and circumstances and also taking note of the submissions of the

learned counsel appearing for the petitioner and the learned counsel for the BSFC, 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 Chief Judicial Magistrate, Gopalganj, in connection with Baikunthpur P.S. Case No.56 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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