

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40558 of 2014

Arising Out of P.S. Case No. 28 Year- 2014 Thana -RAXAUL District- EAST CHAMPARAN
(MOTIHARI)

=====

Sunil Kumar Jha, Son of Ugrasen Jha, resident of Village - Bangaon, P.S. -
Bangaon, District- Saharsa (Assistant, Ex-Centre Incharge, Bihar State
Warehousing Corporation, Raxaul, (hereinafter referred to as the
Corporation)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance:

For the Petitioner/s : Mr. Rama Kant Sharma, Sr. Advocate.

For the Opposite Party/s : Mrs. Pushpa Sinha 2, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 26-03-2015

Heard both sides.

The petitioner apprehends his arrest in Raxaul P.S.
Case No. 28 of 2014 under Section 409 of the Indian Penal Code.

The petitioner was Assistant Ex-Centre Incharge of
Bihar State Warehousing Corporation, Godown No. 3, situated at
Raxaul and a shortage of about 4000 quintals of foodgrains was
found, causing loss of Rs. 81,54,744.82 to the Bihar State
Warehousing Corporation.

Sri Rama Kant Sharma, learned senior counsel for
the petitioner, submits that the petitioner did not commit any
offence and the petitioner has falsely been implicated in the case.
The F.I.R. discloses one part of the story. No proper verification of
the stock was made by the officer. It was the duty of the handling

contractor to make entry in the stock register and arrange the articles in the godown. The petitioner had written several letters to the higher authority but no heed was paid and, ultimately, the petitioner was roped for defalcation of Rs. 81 lakhs and odd.

On perusal of the record, it appears that the Regional Manager inspected and verified the godown of the Bihar State Warehousing Corporation and found a shortage of about 4000 quintals of foodgrains during the tenure of the petitioner. Huge amount, approximately rupees eighty one lakhs, was misappropriated by the petitioner. Hence, I am not inclined to enlarge the petitioner on anticipatory bail in Raxaul P.S. Case No. 28/14. Accordingly, the same is rejected.

The petitioner, if so advised, may surrender in the court below and make prayer for regular bail. The court below shall consider the prayer for regular bail of the petitioner without being prejudiced by this order.

(Prabhat Kumar Jha, J)

Dilip/-

U		T	
---	--	---	--