

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.34131 of 2015**

Arising Out of PS.Case No. -54 Year- 2015 Thana -PATEPUR District- VAISHALI(HAJIPUR)

=====

Prafulla Kumar Son of Shri Janardan Prasad Singh resident of village -  
Kubauli, P.S. Bangra, District - Samastipur

.... .... Petitioner

Versus

1. The State of Bihar  
2. Bihar State Food & Civil Supplies Corporation Ltd. Vaishali

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Krishna Chandra, Adv.  
For the Opposite Party/s : Ms. Asha Devi(App)

=====

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR**  
**JHA**  
**ORAL ORDER**

4      03-11-2015                      Heard both sides.

The petitioner apprehends his arrest in Patepur P.S. Case No. 54/2015, registered for the offences punishable under Sections 406, 409, 420 of the Indian Penal Code and 7 of the E.C. Act.

The informant District Manager, BSFC, Vaishali alleged that the petitioner was Incharge of paddy purchase centre and he purchased 8173.58 quintal of paddy and supplied only 7365.79 quintal of paddy. 807.78 quintal of paddy remained in the custody of the petitioner. When the District Manager inspected the godown, there was shortage of 591.78 quintal of paddy in the godown, the Incharge of which was the petitioner. The petitioner is alleged to have defalcated a sum of Rs. 7,71,917.83/-.

Learned counsel for the petitioner submits that the

petitioner is not responsible for shortage of paddy because the Block Development Officer reported to the District Manager, BSFC for lifting of the paddy, as the same was kept in the open area in the rainy season and much amount of paddy was damaged but at the same time the petitioner is ready to deposit the amount alleged to have been defalcated.

Considering the facts aforesaid and the fact that the petitioner is ready to deposit the entire amount i.e. Rs. 7,71,917.83/- within six months from the date of this order, the petitioner above named in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1<sup>st</sup> Class, (Incharge of Patepur P.S.) , Vaishali at Hajipur, in connection with Patepur P.S. Case No. 54/2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

If the petitioner fails to deposit the aforesaid amount i.e. Rs. 7,71,917.83/- within six months in the account of the BSFC, the court below shall cancel the bail bond of the petitioner.

**(Prabhat Kumar Jha, J.)**

Rakhi

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|