

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36000 of 2015

Arising Out of PS.Case No. -78 Year- 2013 Thana -NASRIGANJ District- SASARAM (ROHTAS)

Gauri Shankar Ojha @ Banti Ojha Son of Blairam Ojha resident of
Mohalla - Pali Road, Behind Maa Medical Hall, Naga Path, P.S. Dehri - on
- Sone, District - Rohtas

.... Petitioner/s

Versus

1. The State of Bihar
2. Dharmendra Kumar Son of Shiv Nandan Sinha Presently Posted as
District Manager of Bihar State Food Corporation, Sasaram, Rohtas

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Nr. Sinha, Sr. Advocate
Mr. Digvijay Narayan Singh, Advocate
For the State : Mr. U.L.Verma, APP
For BSFC : Mr. Shailendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 04-09-2015

Heard learned counsels for the petitioner,

State and the BSFC.

The petitioner is apprehending his arrest in
a case registered for the offences punishable under Sections 409,
419 and 420 of the Indian Penal Code.

It is alleged that Assistant Godown

Manager of SFC, Rohtas defalcated Rs.3,26,20,265.70 by not depositing 22,874.72 quintals of wheat in the depot of SFC. It is alleged against the petitioner that when Birendra Singh fell ill the key of the godown was lying with this petitioner.

It is submitted by learned senior counsel for the petitioner that petitioner is neither employee of the SFC nor there is anything to suggest that in what capacity the petitioner was given the key of the godown. A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

It is submitted by Mr. Shailendra Kumar Singh, learned counsel for the SFC that the petitioner was given the key of the godown, hence, in connivance with this petitioner the alleged defalcation was made, but does not deny the fact that the petitioner is not employee of the SFC.

Considering the thrust of accusation against Assistant Godown Manager of SFC, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial

Magistrate, Bikramganj, Rohtas in connection with Nasriganj
(Rajpur) P.S. Case No. 78 of 2013, subject to the conditions as
laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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