

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2320 of 2015

Arising Out of PS.Case No. -197 Year- 2013 Thana -MADHEPUR District- MADHUBANI

Akshay Kumar Son of Late Yamuna Singh Resident of Village - Dhedhua,
P.S- Fatuha, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Foods Corporation Limited, Bihar (Bihar State Food And Civil Supplies Corporation Ltd.)

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
For the State : Mr. Madan Kumar (App)
For the BSFC : Mr. Ram Shankar Pradhan, Sr. Adv.

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

8 08-10-2015 Heard learned counsel for the petitioner and learned
counsel for the BSFC.

The petitioner apprehends his arrest in connection with
Madhepur P.S. Case No. 197 of 2013 registered for the offences
punishable under Section 409 the Indian Penal Code.

Learned counsel for the petitioner submits that
petitioner was posted as Godown in-charge of the District Foods
Corporation Ltd. Jhanjharpur Branch and he had superannuated
from his post on 31.03.2010. Much prior thereto vide letter no.
248 dated 07.03.2010 he was directed to handover the charge to
Mr. Rajeshwar Prasad Singh and again vide letter no. 334 dated
27.03.2010 he was directed to handover charge to Mr. Sunil



Kumar Jha but he failed to do so and even much after his superannuation registers and other relevant document with respect to godown were withheld by him. Consequently the Bihar State Food Corporation has lodged an First Information Report against the petitioner whereupon the petitioner had not appeared alongwith certain registers and documents which have been annexed to the main application.

Learned counsel for the BSFC submits that soon thereafter, the registers were evaluated and it was found that there were much discrepancies in the entries made within it and as a result thereof, it was discovered that apart from the earlier allegations made in the first information report, a total amount of Rs.11,61,421/- (Eleven Lakhs Sixty One Thousand Four Hundred and Twenty One only) (Annexure- B) is said to have been defalcated.

In reply, learned counsel appearing on behalf of the petitioner submits that he is ready for audit and if the audit team so wishes, he will make himself available for quantifying the entire loss, and if at all, the loss, which have been caused on account of the laches on the part of the petitioner, he is willing to make payment of the same.

Considering the aforesaid submissions, let 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, be enlarged on bail on furnishing bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Madhubani in connection with Madhepur P.S. Case No. 197 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, it is made clear that if the petitioner does not present himself before the audit team and fails to explain the reasons, it shall be open for the opposite party to take appropriate legal recourse or modification of the order in accordance with law.

(Anjana Mishra, J)

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