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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29922 of 2015

Arising Out of PS.Case No. -68 Year- 2015 Thana -RAJAUN District- BANKA

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Om Prakash, Son of Late Kapildeo Mandal, resident of village Diwani Tola Brahmsthan, Post Office Bariyarpur, Police Station- Bariyarpur, District Munger at present posted as Cooperative Extension Officer Halsi Block, Police Station Halsi, District Lakhisarai .... Petitioner

Versus

1. The State of Bihar
2. The District Manager, Bihar State Food & Civil Supplies Corporation Ltd. Banka .... Opposite Parties

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Appearance :
For the Petitioner/s : Mr. Kundan Kumar, Advocate
For the BSFC : Mr. Awadhesh Kumar, Advocate
For the Opposite Party/s : Mr. Amitesh Kumar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

3 08-10-2015 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in connection with Rajaun P.S. Case No. 68 of 2015 registered for the offences punishable under Sections 406/34 of the Indian Penal Code.

The petitioner is the Purchase Centre In-charge of Rajaun Procurement Centre in the district of Banka. The allegation against this petitioner is that a shortage of 451.20 quintals was detected in the godown being managed by the petitioner. The loss of around Rs. 5,54,784 has been quantified which has been equitably distributed between the two Officers. The petitioner is now being saddled with an alleged defalcation of Rs. 2,77, 392.

Learned counsel for the petitioner submits that the said

allegation is wholly false in view of the fact that the paddy in question which was procured from the different Primary Agricultural Society had been kept in open as they had been constrained to keep the paddy in open which led to weight loss of the paddy and therefore, the deficit weight as alleged in the First Information Report is wholly misconceived. Such deficiency in weight occurred on account of weather condition to which open paddy was subjected to, on account of lapses of the State Administration.

Learned counsel for the BSFC has strenuously urged that the petitioner was, in fact, responsible for such deficiency in weight which led to be a sizeable loss to the Corporation. He further submits that if such Officers are let loose, the State will be subjected to such severe losses. It would amount to serious consequences and therefore, the petitioner does not deserve the privilege of anticipatory bail.

Having heard learned counsel for the petitioner and learned counsel appearing on behalf of the BSFC, this Court feels that it be in the interest of justice to direct the petitioner to deposit 25 per cent of the total alleged amount within a period of three months from the date of receipt/ production of a copy of this order.As such and in view of the facts and circumstances, let petitioner 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, he be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Rajaun P.S. Case No. 68 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C., otherwise it shall be open to the BSFC to approach this Court for modification of this amount. The said amount shall be subject to the result of the present case.

(Anjana Mishra, J)

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