

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16101 of 2015

Arising Out of PS.Case No. -11 Year- 2015 Thana -KASBA District- PURNIA

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1. Dinesh Kumar Eklavya, Son of Ganouri Prasad Singh, Resident of Village- Bhatubigha, Police Station- Ghosi, District- Jehanabad, at present A.G.M., State Food Corporation C.M.R. Garhbanaili/ Shishawari Godown, Police Station- Kasba, District- Purnia.
2. Dharmesh Kumar Thakur @ Dharmesh Kumar, Son of Late Sachidanand Thakur, Resident of Village- Saidpur, Police Station- Gopalpur, District- Bhagalpur, at present A.G.M., State Food Corporation/C.M.R. Garhbanaili/ Shishabari, Purnia, Police Station- Kasba, District- Purnia.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Bihar State Food Corporation through the District Manager, Purnia

.... Opposite Party/s

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Appearance :

For the Petitioners	:	Mr. Navin Pd. Singh, Advocate Mr. Rajesh Kumar Pandey, Advocate Mr. Narayan Singh, Advocate
For the State	:	Mr. Sanjay Kr.Pandey(APP)
For the BSFC	:	Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

8 23-09-2015 Heard learned counsel for the petitioners and the learned counsel appearing on behalf of the BSFC as well as the learned counsel appearing on behalf of the State.

The petitioners, being the Assistant Godown Managers of CMR Garhbanaili and Shishawari Godowns, are apprehending their arrest in connection with Kasba P.S. Case No.11 of 2015 registered for the offence under Sections 406, 407, 409, 420, 120B, 467, 468 and 471/34 of the Indian Penal Code and Section 7 of the Essential Commodities Act.



Learned counsel for the petitioners submits that the allegation against the petitioners is that they as Assistant Godown Managers of the aforementioned Godowns had been responsible for lifting of huge amount of rice which after being handed over by the lifting in-charge to the transporting agents never reached the Godown which it was supposed to reach. Learned counsel for the petitioner submits that these two petitioners, namely, Dinesh Kumar Eklavya and Dharmesh Kumar Thakur @ Dharmesh Kumar, were not at all given the responsibilities of handing over the CMR rice to the Transporting Agents. Learned counsel further submits that the report, which has been annexed with the F.I.R. itself, reveals that these petitioners had appeared before the Senior Deputy Collector and the S.D.O. and had furnished all relevant registers. It is in pursuance of filing of the registers, that any inquiry could be conducted by the S.D.O. or the Senior Deputy Collector, leading to the lodging of the present F.I.R. It thus appears to this Court that the petitioners had at the relevant time co-operated in the investigation. Learned counsel submits that these petitioners are willing to co-operate. Learned counsel for the petitioners has also pointed out to paragraph 40 of the case diary in which vide Letter Nos.3206 dated 17.1.2014 and 3237 dated 23.1.2014, the duty of lifting of CMR rice from the godown was



entrusted to Ramcharitra Yadav and Shyam Kishore Gupta, designated as Lifting Officers. Learned counsel submits that these two co-accused had approached this Court and vide order dated 11.6.2015 passed in Cr.Misc. No.16240 of 2015, this Court has been pleased to extend the privilege of anticipatory bail to the two lifting-in-charge.

Considering the aforementioned facts and circumstances and that a Co-ordinate Bench has also extended the benefit of anticipatory bail and that the petitioners have given undertaking that they will co-operate with the prosecution at all relevant times, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of three weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea, in connection with Kasba P.S. Case No.11 of 2015 (G.R. No.236 of 2015), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that one of the bailors in the present case shall be a blood relative of the respective petitioners, who shall, in the event of any change of address of the petitioners,

communicate the same to the court below. It is further made clear that the petitioners shall appear before the court below at all the relevant dates and shall not abstain themselves on two consecutive dates without there being any reasonable cause and without the liberty of the court.

(Anjana Mishra, J)

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