

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34397 of 2015

Arising Out of PS.Case No. -49 Year- 2015 Thana -MAHESHKHUNT District- KHAGARIA

=====

Ravindra Kumar Sinha S/o Late Mahavir Prasad Verma, Resident of West Patel Nagar, Flat No. 303 (B), Queen's Palace, P.S. Shastri Nagar, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, State Food and Civil Supplies Corporation Ltd. Khagaria.

.... Opposite Party/s

=====

Appearance:

For the Petitioner/s : Mr. Akhileshwar Pd. Singh, Sr. Advocate & Mr. Binod Bihari Sinha, Advocate.
For the Opposite Party/s : Mr. Narsing Tanti, A.P.P.
For the O.P. No. 2: Mr. Shailendra Kumar Singh, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 24-11-2015 Heard Sri Akhileshwar Prasad Singh, learned senior counsel for the petitioner, Sri Shailendra Kumar Singh, learned counsel for the Bihar State Food and Civil Supplies Corporation Ltd., and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case under Sections 409 and 420 of the Indian Penal Code.

The District Manager, Bihar State Food and Civil Supplies Corporation Ltd., alleged that the petitioner was the supervisory officer of Gogri Purchase Centre (Rajdham, in the house of Kailash Yadav). The petitioner purchased 10441.50 quintals of wheat but only 5397.42 quintals of wheat was made

available for auction. 5044.07 quintals of wheat was not found in the godown kept under the supervision of the petitioner.

Sri Akhileshwar Prasad Singh, learned senior counsel for the petitioner, submits that the petitioner was not the in-charge of the Godown. From perusal of Annexure-2, a letter issued by the Managing Director, it would appear that the Executive Assistant of the Corporation was made responsible for the damage and misappropriation of any amount of foodgrains. It is further submitted that from perusal of Annexure-4 series (from page 23 to page 49), it would appear that the Purchase Centre In-charge and the Executive Assistant made available the wheat in different consignments. It is submitted that the petitioner is not at all responsible for any shortage of wheat in the godown. A certificate proceeding for realization of the alleged defalcation amount is also going on.

On the other hand, Sri Shailendra Kumar Singh, learned counsel for the Bihar State Food and Civil Supplies Corporation Ltd., submits that only 5397.42 quintals of wheat was made available and the Annexure-4 series is not disputed. From perusal of the aforesaid annexures, it would appear that only 5397.42 quintals of wheat was made available to the consignee under the signature of the Assistant Godown Manager and the

Executive Assistant of the Godown, who was working on contract basis. The petitioner was the overall in-charge of the Purchase Centre and he was to purchase the wheat and issue cheques in the name of the farmers. It is submitted that 10441.50 quintals of wheat was made available in auction. The remaining quantity of 5044 quintals was found missing.

It appears that the petitioner was the overall in-charge of the Purchase Centre. The Executive Assistant was to assist the petitioner for preparing the documents. The petitioner purchased 10441.50 quintals of wheat but only 5397.42 quintals of wheat was auctioned. The remaining huge quantity of wheat, i.e. 5044 quintals is missing and for that a certificate case is also pending. The petitioner is alleged to have misappropriated wheat worth Rs. 71,93,101/-. It is also submitted that the petitioner deposited Rs. 3,69,955/- in the certificate proceeding.

Having considered the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail in Maheshkhunt P.S. Case No. 49/2015. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

Dilip/-

U		T	
---	--	---	--