

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34127 of 2015

Arising Out of PS.Case No. -190 Year- 2015 Thana -MADHEPURA District- MADHEPURA

Manoj Kumar, S/o Shri Nagendra Kumar, a resident of village- Jhitkiya,
P.S.p Gwalpara, District- Madhepura

.... Petitioner/s

Versus

1. The State of Bihar
2. The Bihar State Food and Civil Supply Corporation Limited,
Madhepura

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamal Kishore Singh, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 24-08-2015

Heard learned counsel for the petitioners and the State.

The petitioners being the Executive Assistant of Bihariganj Unit of Bihar State Food and Civil Supply Corporation, Madhepura are apprehending their arrest in a case registered for the offences punishable under Sections 409, 420, 427 of the Indian Penal Code.

The First Information Report reflects that District Manager of Bihar State Food and Civil Supply Corporation, Madhepura submitted a written report to the Officer-in-charge, Madhepura, P.S. that he has received a letter from the Headquarter to the effect that since the purchase in-charge and Executive Assistants have caused huge monetary loss by allowing the food-grains to rot for which the certificate proceeding has been initiated. It appears that it is alleged that the petitioners caused loss of

Rs. 3,59,630/-.

It is submitted by the learned counsel for the petitioners that the First Information Report does not reflect any specific accusation except the loss amount caused and for the loss caused in 2011-12 and 2012-13 the First Information Report was lodged in 2015. Moreover, for the same cause of action certificate proceeding has already been initiated.

Learned counsel for the Bihar State Food and Civil Supply Corporation, Mr. Md. Awadhesh Kumar, submits that the Headquarter found that the petitioners have caused huge loss to the Corporation since the food-grains were allowed to rot.

Considering the scanty and delayed nature of accusation, moreover the certificate proceeding has already been initiated for the same cause of action, let the above named petitioners be released on bail in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Madhepura P.S. Case No. 190 of 2015, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

(Dinesh Kumar Singh, J)

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