

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41823 of 2015

Arising Out of PS.Case No. -53 Year- 2015 Thana -VIDYAPATINAGAR District- SAMASTIPUR

Sri Pawan Kumar @ Pawan Kumar. The Block Agricultural Officer cum purchase Centre Incharge, Vidyapatinagar, P.S. Vidyapatinagar District Samastipur S/o Late Ram Swarup Chaudhary Resident of Village Jamindegree P.S. Munger District Munger

.... Petitioner

Versus

1. The State of Bihar.
2. State Food Corporation through District Munger

.... Opposite Party/s

Appearance :

For the Petitioner : Mr. Sada Nand Ray
For the State : Mr. P.K.Chaurasia (App)
For the B.S.F.C. : Mr. Awadhesh Kumar

CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

3 15-12-2015 Heard learned counsel for the petitioner and learned A.P.P. for the State as also learned counsel for the Bihar State Food and Civil Supplies Corporation.

The petitioner prays for anticipatory bail in a case registered under Sections 420, 403 and 409 of the Indian Penal Code.

The allegation against the petitioner is that he was the in-charge of the Purchase Centre at Vidyapati Nagar and for the year 2012-13, he had received 23575.00 quintals of wheat, out of which only 19845.00 quintals of wheat were made available in the Food Corporation of India Godowns and the remaining 3730 quintals of wheat amounting to Rs.53,19,129/- was misappropriated by the petitioner.

Learned counsel for the petitioner places reliance upon a report dated 16.07.2013 of the Sub-divisional Officer, Dalsinghsarai, in which it is stated that the Supervising Officer of the Purchase Centre may not be directly involved in the misappropriation but due to lack of proper supervision, the incident has taken place. It is submitted by learned counsel for the petitioner that the petitioner had obtained seven cheques from the warehouse owner, Vijay Kumar Singh, and thus he has done whatever was required to be done, as those cheques were handed over to the appropriate authority.

Learned counsel for the Bihar State Food and Civil Supplies Corporation, on the other hand, submits that the petitioner is clearly responsible for the commission of the alleged offences, as he has never brought the matter of short supply of wheat to the notice of the authorities which he ought to have done, if he was not involved in the crime along with other accused persons.

On a consideration of the facts and circumstances of the case, this Court does not find it a fit case for grant of anticipatory bail to the petitioner and his prayer for anticipatory bail is, accordingly, rejected.

V.P.Sinha/-

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(Ramesh Kumar Datta, J)