

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49092 of 2015

Arising Out of PS.Case No. -181 Year- 2015 Thana -BRAHMPUR District- BUXAR

Sanjay Kumar Shahi, son of Late Ramji Shahi, Resident of Village-
Patedha, P.S.- Maharajganj, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bihar State Food & Civil Supplies Corporation, Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avinash Shekhar
For the Opposite Party/s : Mr. Nand Kumar(App)

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 05-11-2015 Heard counsel for the petitioner, Mr. S.K. Singh for the
Bihar State Food & Civil Supply Corporation (for short ‘the
Corporation’) as also the counsel for the State.

The petitioner apprehends his arrest in Brahampur P.S.
Case No. 181 of 2015 registered under sections 406, 409 and 420 of
the Indian Penal Code.

During the year 2012-13 the Corporation purchased wheat
from the open market to be supplied to the FCI. The allegation is that
the petitioner was the Supervisor for the purchase centre and under
his supervision 18127.50 quintals of wheat was purchased. The
purchased wheat was required to be entered into the stock register
and thereafter supplied to the FCI. The petitioner supplied/deposited
only 4002.50 quintals of wheat to the FCI. The remaining 9030.70

quintals of wheat was auction-sold. The informant alleged that the petitioner having purchased 18127.50 quintals of wheat did not give any explanation for the shortfall of 5099.30 quintals thereof. In this way, the petitioner misappropriated a sum of Rs. 72,64,674.57. The petitioner was noticed to explain the same. The notice being not responded to, the FIR was lodged.

The contention of the petitioner is that he was only the Supervisor. Other persons assigned were responsible for the shortfall. It was their duty to make entry in the stock register of the purchase of wheat. Some of the accused persons, having identical/similar allegation, have been released on anticipatory bail on certain condition(s).

Mr. S. K. Singh, on the other hand, submitted that some of the accused persons have been refused bail by this Court.

Taking into account the allegation levelled against the petitioner, I am not persuaded to extend him with the privilege of anticipatory bail. His prayer is refused. He may surrender and seek bail which, if filed, shall be considered and disposed of on its own merit.

(Kishore Kumar Mandal, J)

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