

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43015 of 2014

Arising Out of PS.Case No. -527 Year- 2013 Thana -MUZAFFARPUR SADAR District-
MUZAFFARPUR

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Anuj Kumar, son of Buddhadeo Prasad, Resident of Village-Chakehi, P.S.-
Ekangarsarai, District-Nalanda

.... Petitioner/s

Versus

1. The State of Bihar
2. Sushil Kumar Agrawal, son of Sri Om Prakash Agrawal, resident of
Village-122/51, J.N. Mukherjee Road, Ghusari, at present posted as
Ganga Carrier Pvt. Ltd as Manager, 309 Ashiana Tower, Exhibition
Road, Patna, Distt.-Patna

.... Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Akhileshwar Pd. Singh, Sr. Advocate Mr. Shankar Kumar Thakur, Advocate
For the S t a t e	:	Dr. Ravindra Kumar (APP)
For O.P. No.2	:	Mr. Amit Shrivastava, Advocate Mr. Girish Pandey, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

8 15-10-2015 Heard learned Senior Counsel appearing for the

petitioner and the learned counsel for Opposite Party No.2 as well

as the learned counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection
with Sadar P.S. Case No.527 of 2013 registered for the offence
under Sections 406, 420, 467, 468, 469 and 120B of the Indian
Penal Code, pending in the court of the learned Chief Judicial
Magistrate, Muzaffarpur.

The main contention of the petitioner, which is brought
in connection with the prosecution as per the present F.I.R., is that
certain allegations have been made against him regarding

discrepancy in the maintenance of stock at the godown of M/S Ganga Carrier (P) Ltd. at Muzaffarpur. The said M/S Ganga Carrier (P) Ltd. was agent of Lafarge Cement and thus was responsible for transportation, delivery and collection of money.

The sole contention of the petitioner is that whatever allegations have been levelled against him it was by stating that the petitioner was Dump in-Charge at Muzaffarpur and, therefore, he was responsible for any discrepancy occurring in it. The petitioner, however, categorically denied that he was the Dump in-Charge and as such, on earlier occasion, he was given an opportunity to bring on record any material which could support his case. Similarly, learned counsel appearing for O.P. No.2 was also given an opportunity to establish that, in fact, the petitioner was Dump in-Charge and, therefore, was liable for whatever prosecution as had been lodged against him in the F.I.R. of the present case.

Learned counsel for the State has also perused the case diary and has supported the prosecution story.

Today, a supplementary counter affidavit has been filed on behalf of O.P. No.2 in which several documents have been brought on the record stating that the petitioner was the Dump In-Charge at the relevant point of time and in order to substantiate the

same, he has annexed documents, which go to prove that, in fact, the petitioner was the Dump In-Charge as it bears his signature.

A rejoinder to the supplementary counter affidavit has also been filed, but the petitioner has not been able to establish that he was not the Dump in-Charge.

However, after perusing all the materials on record, the documents filed by the petitioner as well as by O.P. No.2 and after perusal of the case diary, I am not inclined to grant anticipatory bail to the petitioner. It is, accordingly, rejected.

(Anjana Mishra, J)

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