

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37113 of 2015

Arising Out of PS.Case No. -27 Year- 2015 Thana -SHEIKHOPUR SARAI District- SEKHPURA

1. Janardan Prasad @ Janardan Choudhary, S/o Late Yamuna Prasad, R/o Village- Gobardhanbiga, P.S.- Katri Sarai, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Bihar State Food and Civil Supplies Corporation Ltd, through the District Manager, S.F.C., Sheikhpura.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Adv.

For the B.S.F.C. : Mr. A. N. Rai, Adv.

For the Opposite Party/s : Mr. Yogendra Kr.Singh(App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

3. 01-12-2015 Heard both sides.

The petitioner apprehends his arrest in Sheikhopur Sarai P.S. Case No. 27/2015, registered for the offences punishable under Section 406, 409 and 420 of the Indian Penal Code.

The District Manager, Bihar State Food Corporation alleged that the petitioner was made Incharge of Purchase Centre Sheikhopur Sarai for the purchase order of paddy for 2011-12. The petitioner purchased 9891 quintals of paddy out of which he supplied 8693 quintals of paddy on the basis of S.I.O. to the miller, but there were shortage of 1198 quintals of paddy and he is alleged to have misappropriated the same worth Rs. 15,27,567/-.

Mr. Ashhar Mustafa learned counsel for the petitioner

submits that no S.I.O. was issued by the godown manager and therefore the petitioner himself supplied the aforesaid paddy to the miller without S.I.O.

It is submitted that from perusal of annexure 2, it appears that the petitioner supplied the aforesaid quantity of paddy to the miller without S.I.O. The supervising authority also found no shortage of paddy as the petitioner claims that he had already supplied 1198 quintals of paddy to the miller without S.I.O.

But it appears from the perusal of F.I.R. itself that the petitioner was made Incharge and he had to supply the paddy to the miller only after obtaining the S.I.O. If the petitioner supplied the paddy to the miller without S.I.O., the petitioner committed illegality and when the case was lodged he gave explanation that the same paddy was with the miller, but he did not earlier informed the B.S.F.C. about the supply of paddy to the miller without S.I.O.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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