

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38055 of 2014

Arising Out of PS.Case No. -616 Year- 2013 Thana -SAMASTIPUR MUFFASIL District-
SAMASTIPUR

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RAM SRESTH SHARMA SON OF SRI FAKIRA MISTRY RESIDENT
OF VILLAGE LAXMIPUR, P.S. SAKRA, DIST. MUZAFFARPUR, EX-
INCHARGE P.C. D.O. OF BIHAR RAJYA BHANDAR NIGAM,
SAMASTIPUR.

.... PETITIONER/S

VERSUS

THE STATE OF BIHAR

.... OPPOSITE PARTY/S

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Appearance:

For the Petitioner/s : Mr. Ghanshyam Tiwary, Adv.

For the Opposite Party/s : Mr. Pushpa Sinha 2 (App)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 01-07-2015

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

There happens to be an allegation of
misappropriation of 2230 bags of DAP by the petitioner.

It has been submitted on behalf of petitioner that he
had not misappropriated. Referring page 23, Annexure of the FIR
it has been submitted that actually Mukeshwar Sharma who
succeeded the petitioner had misappropriated the bags taking
advantage of absence of petitioner and that happens to be reason
behind that he had given a certificate to the effect that 2140 bags
of DAP was issued by the petitioner in between 16.11.2013 to
21.11.2013, the time when petitioner was at Buxar. So submitted
that in order to save his own skin, Mukeshwar Sharma got the
petitioner implicated.

The learned Additional Public Prosecutor opposed the prayer.

One the of the annexures having attached with the FIR is the application submitted by the petitioner himself wherein he had admitted that he had not handed over charge of one of the godown (page no.21) and the defalcation of DAP bags relates with aforesaid godown. In the aforesaid background, I do not see it a fit case for grant of anticipatory bail.

Prayer for anticipatory bail is rejected.

(Aditya Kumar Trivedi, J.)

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