

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1634 of 2016

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

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Janardan Prasad @ Janardan Choudhary Son of late Yamina Prasad
Resident of Village- Gobardhanbigha, P.s Katri Sarai, District Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food and Civil Supplied Corporation,
Sheikhpura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh

For the Opposite Party/s : Mr. Atul Chandra(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

05/ 20-07-2016

Heard learned counsels for the petitioner
and the State.

The petitioner has renewed his prayer for
anticipatory bail in a case registered for the offences punishable
under Sections 406, 409 and 420 of the Indian Penal Code.

The prosecution case is that the District
Manager, Sheikhpura, Bihar State Food Corporation alleged that
the petitioner was made Incharge of Purchase Centre,
Sheikhopur Sarai for purchase of the paddy for procurement year
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

hence, he alleged to have misappropriated the same worth Rs.15,27,567/-.

Considering the plea of the petitioner that the petitioner supplied the paddy to the Miller without S.I.O. and the supervising authority also found no any shortage of paddy, the prayer for anticipatory bail of the petitioner was earlier rejected on merit by a co-ordinate Bench of this Court vide order dated 01.12.2015 passed in Cr. Misc. No. 37113 of 2015. The petitioner has renewed his prayer for anticipatory bail vide Cr. Misc. No. 1634 of 2016 which was placed before this Court on 31.03.2016 since the co-ordinate Bench was rejected the prayer for anticipatory bail was not available due to the medical exigency.

The prayer has been renewed on the grounds that investigation has already concluded, the petitioner has been superannuated and the petitioner is ready to deposit the alleged misappropriated amount of Rs.15,27,567/-. Hence, interim protection was granted. Though, the concerned co-ordinate Bench is now available but since interim order was passed by this Court the said co-ordinate bench vide order dated 29.06.2016 directed the matter to be listed before this Court. Hence, the matter has been listed before this Court in view of

administrative order of Hon'ble Acting Chief Justice dated 05.07.2016 at Flag 'X'.

In view of the fact that the investigation has already concluded, the petitioner has already superannuated and the petitioner has already deposited the entire alleged amount of Rs.15,27,567/- and this fact has not been controverted by Mr. Awadhesh Kumar, learned counsel for BSFC, it is a case for consideration of prayer for regular bail,, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Sheikhopur Sarai P.S. Case No. 27 of 2015 pending in the court of learned Chief Judicial Magistrate, Sheikhpura. It is expected from the learned court below to dispose of the regular bail application of the petitioner preferably on the same day.

Accordingly, this application is disposed of with the above observation/direction.

(Dinesh Kumar Singh, J)

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