

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29423 of 2016

Arising Out of PS.Case No. -7 Year- 2016 Thana -KORANSARAI District- BUXAR

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Ram Jee Prasad Singh Son of Late Madhav Singh, Resident of Village-Chainpur, P.O.- Bela, P.S.- Dariyapur, District- Chapra, Assistant Consolidation Officer-Cum-In charge of Purchase Centre Koran Sarai, P.S.- Nawanagar, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bihar State Food and Civil Supplies Co. Ltd.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhanesh Shankar Vidyarthi
For the B.S.F.C : Mr. Aditya Prakash Sahay, Adv

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 06-09-2016 Heard the counsel for the petitioner and the counsel for the B.S.F.C.

The petitioner is facing prosecution in Koran Sarai P.S. Case No. 07 of 2016 registered under Sections 406, 409, 420 of the Indian Penal Code.

The petitioner during the relevant time was assigned the job of purchasing wheat from the farmers at a purchase centre and to deposit the same in the depot of F.C.I. After inquiry/verification made by the authorities, it was found that petitioner had purchased 16177.50 quintals of wheat, but only 13810.0205 quintals of wheat was deposited in the depot. On quantification, it is alleged that the petitioner while functioning as

the representative of the Government defalcated certain quantities of wheat quantified at Rs. 25,60,425.59/- lacs.

Contention of the petitioner is that such verification was made after 2-3 years. The records would show that the entire quantity of the wheat purchased at the centre was delivered at the depot. Even, according to the FIR, the sale of the wheat was made @572.00 per quintal whereas the quantification has been made at much escalated rate of Rs.1426.04 paise. There is apparent inconsistency in the case.

Learned counsel for the B.S.F.C., however, opposed the application and submitted that the allegation was made after full verification of the records as well as the depot. It is also stated that opportunity was granted to the petitioner to refund the amount, but the same was not done by him, which persuaded the District Magistrate on instruct for lodging of the F.I.R.

Be that as it may, looking to the seriousness of the offence and other facts reflecting from the records including the impugned order, I am not inclined to extend the privilege of anticipatory bail.

The prayer for bail is rejected.

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(Kishore Kumar Mandal, J)

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