

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3808 of 2016

Arising Out of PS.Case No. -155 Year- 2015 Thana -LAHERIASARAI District- DARBHANGA

Murari Prasad Chaudhary son of Late Narendra Bhushan Chaudhary
resident of village - Basaha Mirzapur, P.S. - Ashok Paper Mill, District -
Darbhanga.

.... Petitioner

Versus

1. The State of Bihar.
2. The Bihar State Food Corporation Ltd., Govt. of Bihar, Patna.

.... Opposite Parties.

Appearance :

For the Petitioner : Mr. Prem Kumar Jha, Advocate.
For the B,S.F.C. : Mr. Shailendra Singh, Advocate.
For the E.O.U. : Mr. V. N. P. Sinha, Senior Advocate.
For the State : Mrs. Gulnar Begum, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

7 19-07-2016 Heard learned counsel for the petitioner, learned counsel
appearing on behalf of the B.S.F.C. and learned Senior counsel
for the E.O.U. as well as learned counsel for the State.

The petitioner is apprehending his arrest in connection
with Laheriasarai P.S. Case No. 155 of 2015 registered under
Sections 406, 409 and 420 of Indian Penal Code.

Learned counsel for the petitioner submits that initially
the petitioner was not named in the F.I.R. Subsequently, an
application was filed by the Investigating Authority to implicate
the petitioner for the offence under Sections 406, 409 along with
120B of Indian Penal Code. It is submitted that petitioner has



falsely been implicated in this case as he was only a *Munshi* in the rice mill which belongs to Divesh Kumar Choudhary, who had entered into an agreement with the Bihar State Food Corporation for supply of paddy. It is further submitted that the mill owner and his son have been implicated in this case, but the petitioner was merely working as a *Munshi* in the aforesaid rice mill and he cannot be attributed any role of entries in connivance with mill owners for removal and defalcation of huge quantity of rice to the tune of Rs.15,10,91,532.65.

Learned Senior counsel appearing on behalf of E.O.U. however, submits that the Investigating Authority after due investigation has come to a conclusion that the role of the petitioner of alleged defalcation of huge amount cannot be ruled out, as there is sufficient material to show his implication in this case. It is further submitted that the petitioner had received the paddy on behalf of the mill owner, therefore, defalcation of huge amount of paddy cannot be ruled out.

It is further submitted that co-accused Divesh Kumar Choudhary was granted anticipatory bail by this Court vide order dated 14.09.2015 passed in Cr. Misc. No. 31117 of 2015, subject to condition that the petitioner has agreed to deposit of 20 per cent of the alleged defalcated amount within a period of twelve months

from the date of the aforementioned order, but the matter was travelled to the Apex Court, where the aforesaid order has been kept in abeyance.

Furthermore, anticipatory bail application of son of Divesh Kumar Choudhary namely, Gaurav Kumar Choudhary, has been rejected by this Court in Cr. Misc. No. 58075 of 2015 vide order dated 19.05.2016.

Considering the entire facts and circumstance of the case as well as there being sufficient material available in the records to implicate the present petitioner, I am not inclined to extend the privilege of anticipatory bail to this petitioner. It is, accordingly, rejected.

(Anjana Mishra, J)

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