

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11330 of 2016

Arising Out of PS.Case No. -4 Year- 2016 Thana -NAWINAGAR District- AURANGABAD

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1. Vishal Kumar Singh @ Vishal Kumar Sinha S/o Sri Om Prakash Sinha,
resident of Village- Deoria Kalan, P.S.- Phesar, District Aurangabad

.... Petitioner

Versus

1. The State of Bihar

2. Kameshwar Prasad Singh, District Manager, State Food Corporation,
Aurangabad

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Krishna Prasad Singh, Sr. Adv. with
Mr. Saket Kumar Singh, Adv.

For the State : Mr. Satyavrat Verma (App)

For opposite party no. 2 : M/S Aditya Prakash Singh & Prabhat
Kumar Singh, Advs.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

8 30-08-2016

Heard the learned counsel for the petitioner and the
counsel appearing for the Bihar State Food Corporation.

The petitioner is apprehending his arrest in
connection with Nabinagar P.S. Case No. 4 of 2016 for offence
under Sections 420, 419 and 409 of the Indian Penal Code.

The allegation against the petitioner is that he along
with co-accused, Rakesh Kumar Sharma @ Rajesh Sharma, had
made payment to different Primary Agriculture Cooperative
Society, but, on physical verification no paddy was found in the
godown whereas price for the said paddy had been paid to the
different Primary Agriculture Cooperative Society.

It is submitted that on account of such action on the
part of the petitioner, in connivance with said Rakesh Kumar
Sharma, the Bihar State Food Corporation suffered a loss to the
tune of Rs.28,73,725/- being the quantified amount of CMR
weighing 1641.79 quintals of paddy.

The learned counsel for the petitioner submits that
actually the petitioner has no concern with the incoming of paddy
or release of the same to Mill Managers and is only the Date Entry
Operator and being the Executive Assistant at the concerned
purchase center, he is required to authorize the payment of bill

along with the Godown Manager. It is only after such certification by the Godown Manager, the petitioner can release such payment.

The learned counsel appearing for the Bihar State Food Corporation has pointed out to his counter affidavit wherein it has been stated that the petitioner has signed payment of bill to the Primary Agriculture Cooperative Society in collusion with the co-accused, Rajesh Kumar Sharma, as such, is not entitled to the privilege of anticipatory bail.

Having heard the learned counsel for the petitioner and the learned counsel for the Bihar State Food Corporation and on consideration of all facts and circumstances, it appears that the petitioner was only concerned with Data Entry Operation part of godown and on such certification made by the Godown Manager, he had authorized to release the payment.

As such, in view of above submissions, let the petitioner, above named, in the event of his arrest or surrender, within four weeks from the date of receipt of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with the Nabinagar P.S. Case No. 4 of 2016 to the satisfaction of the Additional Chief Judicial Magistrate, I, Aurangabad, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

(Anjana Mishra, J)

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