

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16876 of 2016

Arising Out of PS.Case No. -15 Year- 2016 Thana -DHANSOI District- BUXAR

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Naresh Kumar Son of Late Guru Sahay Prasad, Resident of Village - Singariawan, P.S. - Shahjahapur, District - Patna at present Village - Level worker Cum Jansewak, Block - Rajpur, P.S. - Rajpur, District - Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, State Food Corporation, Buxar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Adv.
For BSFC : Mr. Manas Prakash, Adv.
For the Opposite Party/s : Mr. Nand Kishore Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 02-08-2016 Heard both sides.

The petitioner apprehends his arrest in Dhansoi P.S. Case No. 15/2016, registered for the offences punishable under Sections 406, 409, 420 of the Indian Penal Code.

It is alleged that the petitioner being Incharge Purchase Centre, Rajpur purchased 68172.90 quintals of paddy, but he supplied on the basis of S.I.O only 65075.50 quintals of paddy. 3097.40 quintals of paddy remained in the godown. Godown Manager was Uday Narain Rai. It is alleged that due to fault of the petitioner the condition of paddy was deteriorated and only 1330.10 quintals of paddy was found in the godown at the time of

auction in the year 2016.

Learned counsel for the petitioner submits that petitioner was entrusted with purchase of paddy. He purchased 68172.90 quintals of paddy and distributed 65075.50 quintals of paddy on the basis of S.I.O to the millers. 3097.40 quintals of paddy remained in the godown. Petitioner was not entrusted for up-keepment of the paddy and Uday Narain Rai was the Godown Manager. Petitioner was transferred on 28.05.2015 vide memo no. 303 and the F.I.R. was lodged on 18.02.2016 after nine months of this transfer. Uday Narain Rai Godown Incharge was not made accused. Petitioner is not at all responsible for any shortage of paddy found in the godown.

On the other hand, learned counsel for the S.F.C. submits that the petitioner was responsible for shortage of paddy, but from the F.I.R. itself it appears that paddy was stored in the godown Incharge of which was Uday Narain Rai and not the petitioner. Petitioner being Jansewak Incharge of Purchase Centre and he was authorized only to purchase the paddy in the year 2013-14.

Considering the facts aforesaid, the petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of

receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Buxar in connection with Dhansoi P.S. Case No. 15/2016, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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