

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47117 of 2015

Arising Out of PS.Case No. -61 Year- 2015 Thana -CHENARI District- SASARAM (ROHTAS)

Rakesh Kumar, aged about 34 years, S/o Sri Paras Nath Gupta, Prop. Maa Vaishnavi Rice Mill, Pewandi, Chenari, r/o village- Pewandi, P.S.- Chenari, District- Rohtas

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food and Civil Supplies Corporation, Rohtas at Sasaram, Bihar at Patna

.... Opposite Party/s

Appearance :

For the Petitioner : Mr. Sumeet Kumar Singh, Advocate
For the S t a t e : Mr. Binod Kumar- 3 (APP)
For the BSFC : Mr Shailendra Kumar Singh, Advocate

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

10 18-07-2016 Heard learned counsel for the petitioner and the learned counsel appearing on behalf of the BSFC as well as the learned counsel for the State.

The petitioner is apprehending his arrest in connection with Chenari P.S. Case No.61 of 2015 registered for the offence under Sections 406 and 420 of the Indian Penal Code.

Learned Counsel for the petitioner submits that though there is an allegation against the petitioner of misappropriation of CMR to the tune of 6731.91 quintals in conspiracy with other persons, which has caused a loss of Rs.1,28,11,699.88, the petitioner has not received the paddy as has been alleged by the



informant. It is submitted that though the District Manager of the BSFC has entered into an agreement with the petitioner regarding lifting of paddy and delivering of advance rice against the paddy lying in the godown, the paddy in question was not lifted by the petitioner and a mischievous report has been given that such amount of paddy has already been delivered to him, which is entirely false and fabricated.

Learned counsel appearing on behalf of the BSFC, however, submits that the petitioner has received the paddy, which is evident from SIO issued in his favour and duly received by the petitioner, which he has annexed and marked as Annexures A, B and C. Learned counsel for the petitioner, however, seriously objects the said annexures and submits that they are false and fabricated documents, implicating the petitioner and that they run counter to Annexure 3 series, which form the basis for the present defence.

However, considering all the facts and circumstances of the case and also considering that the petitioner is not willing to deposit any amount, which would be subject to the result of the present case, the prayer for anticipatory bail of the petitioner stands rejected.

However, if the petitioner surrenders in connection

with the present case within a period of four weeks from the date of production/receipt of a copy of this order in the court below and prays for regular bail, the court shall consider his prayer on its own merits without being prejudiced by this order.

(Anjana Mishra, J)

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