

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34745 of 2016

Arising Out of PS.Case No. -50 Year- 2016 Thana -DUMRA District- SITAMARHI

1. Rajesh Kumar Son of Sone Lal Malakar Resident of District Board
Quarter, Ward No. 8, P.S. Dumra, District - Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, S.F.C., Sitamarhi

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Verma, Advocate

For the Opposite Party/s : Mr. Smt. Pushpa Sinha, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 29-08-2016 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of Bihar State Food & Civil Supplies
Corporation, Sitamarhi and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Dumra P.S.Case No. 50/2016 registered for the offence
punishable under Sections 406,409, 420 and 427 of the Indian
Penal Code.

The prosecution case is that because of negligence in
storage of paddy, so purchased during the paddy Procurement year
2012-13 and 2013-14 by the In charge of Procurement centers,
huge amount of paddy was damaged and the amount in terms of
money equivalent to the damaged paddy could not be deposited by

the petitioner for which the Bihar Food Civil and Supply Corporation, Sitamarhi had incurred huge loss in terms of money.

Learned counsel for the petitioner submits that the petitioner was posted as Executive Assistant in the relevant Financial year i.e. 2013-14, has not been named in the F.I.R. but his name surfaced during investigation. He further submits that the paddy which has been damaged cannot be attributable to the petitioner and general and omnibus allegation has been levelled. He further submits that the F.I.R. has been lodged in the year, 2016 for the loss incurred in past years i.e. 2012-13 and 2013-14 and the Bihar Food and Civil Supplies Corporation, Sitamarhi has not given any explanation regarding such inordinate delay. He submits that at best, this is a case of negligence but no case under Sections 406 and 409 of the Indian Penal Code is made out against him.

Learned counsel for the petitioner also submits that some of the persons, who have been named in the F.I.R. posted in different capacity, have since been granted the privilege of anticipatory bail by a Co-ordinate Bench of this Court passed in Cr. Misc. No. 20351/2016 on 27.06.2016.

However, learned A.P.P. for the Bihar State Food Civil and Supplies Corporation submits that the petitioner was instrumental

in causing damage and thereby the corporation suffered huge loss, hence, opposes the prayer for bail.

Be that as it may, let the above named petitioner, in the event of her arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate- Sitamarhi in connection with Dumra P.S. Case No. 50/2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J)

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