

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51816 of 2015

Arising Out of PS.Case No. -241 Year- 2015 Thana -BAHADURPUR District- DARBHANGA

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Shyamanand Jha @ Shyamanand Jha Das, Son of Late Guneshwar Jha,
Block Co-operative Officer Bahadurpur, District- Darbhanga Resident of
Village and P.O. Parsa Garhi Via and P.S. Jadia Bazar, District Supaul, at
present living in a Rental House of Dibesh Choudhary (House Owner) near
Panda Sarai, P.S.- Laheria Sarai, District- Darbhanga.

.... Petitioner

Versus

1. The State of Bihar.

2. B.S.F.C., Head Office, Sone Bhawan, Virchand Patel Path, Patna.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Ratneshwar Prasad, Advocate

For the Opposite Party/s : Ms. Veena Rani Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

3 09-02-2016

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

The petitioner seeks pre-arrest bail in connection
with Bahadurpur P.S. Case No. 241 of 2015 registered under
Sections 420 and 409 read with 34 of the Indian Penal Code.

It has been contended by the learned counsel for the
petitioner that the petitioner has been made a scapegoat in the

present case. He has nothing to do with the alleged S.I.Os. (Stock Issue Orders). One Lal Babu Ram was Incharge and one Bindu Kumar was an Assistant who were made responsible for the purchase of paddy and to open account for deposit of the amount and, thus, they were responsible for the transaction of the money in question.

On the other hand, learned counsel for the Bihar State Food Corporation has contended that the petitioner is a habitual offender and earlier also Certificate Case No. 01/2014-2015 was initiated against him for misappropriation of the Corporation's money for the financial year 2012-13. It is further contended that it was the petitioner who was made Incharge of Paddy Purchase Counter on recommendation of District Collector and, accordingly, he purchased 38,047.59 quintals paddy of which only 37, 687.89 quintals were supplied to different Mills and Base Godowns and, therefore, the rest 359.91 quintals worth Rs. 4,98,475/- was misappropriated.

Be that as it may, regard being had to the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the application for anticipatory bail is rejected.

In case the petitioner surrenders and seeks bail, the

same shall be considered on its own merits without being prejudiced in any manner by this order.

(Ashwani Kumar Singh, J.)

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