

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.50168 of 2015**

Arising Out of PS.Case No. -78 Year- 2013 Thana -NASRIGANJ District-  
SASARAM (ROHTAS)

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Pramod Prakash Mishra, son of Asharfi Mishra, resident of  
Mohalla - Shivpuri Colony, Buxar, P.S. - Buxar, District -  
Buxar.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Dharmendra Kumar, son of Shiv Nandan Sinha, presently  
posted as District Manager of Bihar State Food Corporation,  
Sasaram, Rohtas.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Suraj Narain Pd. Sinha, Sr. Adv.

For the State : Mr. Binod Kr. - 3 (A.P.P.)

For the BSFC : Mr. Awadhesh Kumar, Adv.

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI  
SHARAN SINGH**

ORAL ORDER

5      26-02-2016                      Heard learned counsel for the petitioner and  
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,  
arises out of Nasriganj (Rajpur) P.S. Case No.78 of 2013,  
disclosing offences under Sections 409, 419 and 420 of  
the Indian Penal Code.



Briefly stated, the prosecution case is that FIR named accused, namely, Birendra Kumar Singh, Assistant Godown Manager of State Food Corporation, Rohtas, defalcated amount to the tune of Rs.3,26,20,265.70/- by not depositing 22,874.72 quintals of wheat in the depot of the Corporation. The petitioner was not named in the First Information Report. His name surfaced, subsequently, on the basis of statements of some other persons, namely, Pradeep Kumar, Sardanand Singh and Chandan Kumar, who are, respectively, the owner, quality checker and computer operation of the said Godown. It is said that they told the police, in course of investigation, that the FIR named accused, namely, Birendra Kumar Singh, had met with an accident and, thereafter, the entire work of said Birendra Kumar Singh was being looked after by the petitioner and one Gauri Shankar Ojha.

Learned senior counsel, appearing on behalf of the petitioner, submits that the petitioner has been implicated in this case only to save the skin of the main accused, namely, Birendra Kumar Singh. He further submits that similarly situated co-accused, namely, Gauri Shankar Ojha, has been granted the privilege of anticipatory bail by this Court *vide* order, dated

04.09.2015, passed in Cr. Misc. No.36000 of 2015.

Considering the facts and circumstances and the plea that similarly situated co-accused has been granted the privilege of anticipatory bail, this application is allowed. Let the petitioner, abovenamed, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of **learned Judicial Magistrate, Bikramganj, Rohtas,** in connection with **Nasriganj (Rajpur) P.S. Case No.78 of 2013**, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

**(Chakradhari Sharan Singh, J.)**

Praveen-II/-

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