

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21306 of 2016

Arising Out of PS.Case No. -27 Year- 2015 Thana -BENA District- NALANDA (BIHARSHARIFF)

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Krishna Kant Yadav Son of Sri Nandji Yadav Block, Statistic Officer cum
In-charge Purchase Centre Ben, PS-Ben, District Nalanda.

.... Petitioner/s

Versus

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

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumari Rashmi, Advocate

For the Opposite Party/s : Mr. A.L.Pandit (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 04-08-2016

Heard learned counsel for the petitioner, learned

A.P.P. for the State and learned counsel appearing on behalf of
Opposite Party No.2, District Manager, Bihar State Food and Civil
Supplies Corporation, Nalanda.

Petitioner apprehends his arrest in connection with
Ben P.S. Case No. 27 of 2015 registered for offences punishable
under Section 409 of the Indian Penal Code.

The prosecution case, as lodged by the District
Manager, Bihar State Food and Civil Supplies Corporation,
Nalanda against the petitioner, who was Block Statistical Officer-
cum- Incharge Purchase Officer as well as one Executive
Assistant, Prakash Kumar for defalcation of the paddy in which it
has been alleged that the procurement for the year 2012-13 was

39082 quintals, but 9645.83 quintal of paddy amounting to Rs. 1,25,82,020/- was not delivered to the Millers in spite of repeated reminders. Petitioner and another have not reconciled the accounts.

It has been submitted by the learned counsel for the petitioner that petitioner is a Government employee and has no criminal antecedent, as is evident from paragraph 3 of this application. He further submits that petitioner had repeatedly written several letters to the informant that the Millers are not granting receipt of the amount received and he has also lodged a complaint with the Chief Judicial Magistrate, Nalanda bearing Complaint Case No. 375 (C) of 2014 stating that some Millers are not ready to take the paddy. Learned counsel for the petitioner further submits that the allegation is that 39082 quintals of paddy was purchased against which 37437.83 quintals of paddy was sent to the Millers and 9645.83 quintals of paddy was defalcated, which is not the exact figure and requires recalculation. He further submits that being a Government servant, he will not tamper with the evidence nor abscond.

However, learned counsel appearing on behalf of Opposite Party No.2 submits that the petitioner was directly involved with the purchase of the paddy and has not deposited the

entire amount, which was disbursed to him, hence, there is defalcation of huge amount of money i.e. Rs. 1,25,82,020/- for procurement year 2012-13.

Learned A.P.P. for the State submits that petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Considering the gravity of the allegation of defalcation of huge money, I am not inclined to grant the privilege of anticipatory bail to the petitioner. This application is, accordingly, rejected.

However, if the petitioner surrenders before the learned Judicial Magistrate 1st Class, Bihar Sharif at Nalanda in connection with Ben P.S. Case No. 27 of 2015 within a period of six weeks from today, the learned Court below shall decide the matter on its own merit without being prejudiced by this order preferably on the same day taking into account the discrepancy in the quantity of paddy for which allegation is of defalcation.

(Nilu Agrawal, J.)

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