

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26556 of 2016

Arising Out of PS.Case No. -81 Year- 2016 Thana -PURNEA SADAR District- PURNIA

=====

Sanjay Kumar Jaiswal, son of Late Kokendra Prasad Jaiswal, resident of Chandan Nagar, Gulab Bag, P.S. Sadar, District- Purnea, Proprietor M/S. Manish Mini Rice Mill, Purnea

.... Petitioner

Versus

1. The State of Bihar
 2. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd. Purnea
- Opposite Parties

=====

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar

For the Opposite Party/s : Mr. Sri Bisheshwar Ram

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 04-07-2016 Heard Sri Shashi Bhushan Kumar, learned counsel

for the petitioner and Sri Bisheshwar Ram, learned Addl. Public

Prosecutor.

The petitioner, who is a rice mill owner, apprehending his arrest in Purnea Sadar P.S. Case no.81 of 2016 registered for the offence under Sections 406, 409, 420 of the Indian Penal Code, has prayed for grant of anticipatory bail.

It was submitted by learned counsel for the petitioner that as per agreement with B.S.F.C, the petitioner was only required for milling the rice. He further submits that repeatedly, the petitioner has asked the B.S.F.C. to uplift the rice, but they failed. It has been further argued that in identical situation, this Court has extended to the privilege of anticipatory

bail to number of accused persons.

Learned Addl. Public Prosecutor has opposed the prayer for anticipatory bail.

Besides hearing learned counsel for the parties, I have also perused the F.I.R.. On perusal of the F.I.R. itself, it is evident that there is allegation that the petitioner has misappropriated the amount of 931.26 quintals of rice and subsequently he had deposited Rs.4,50,000/-. As per F.I.R., there is specific accusation that he has misappropriated Rs.15,66,696/-. In the present F.I.R. the petitioner is only named accused. Though learned counsel for the petitioner has placed reliance on the order passed by this Court in other cases of rice miller vide Annexure-10 series, fact remains that anticipatory bail granted to other rice miller does not pertain to the present F.I.R. It is also required to be noticed that this Court even after noticing the fact that other rice miller were granted anticipatory bail by other Benches, in number of cases, the prayer for anticipatory bail was rejected by this Court.

On perusal of the F.I.R., it is evident that there is specific accusation against the petitioner. The Court is of the opinion that if there is specific accusation against the petitioner, certainly it can't be a case of anticipatory bail. Normally, the

prayer for anticipatory bail is to be entertained, where there is some doubt. If there is specific accusation, it can't be a case for grant of anticipatory bail.

The petition stands dismissed.

(Rakesh Kumar, J)

NKS/-

U			
---	--	--	--