

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20110 of 2016

Arising Out of PS.Case No. -82 Year- 2015 Thana -DUMRA District- SITAMARHI

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Shivanand Bharti, Son of Gauri Shankar Thakur, Resident of village -
Kahtarwa, P.S. & District - Sheohar

.... Petitioner

Versus

1. The State of Bihar
2. The District Manager, Bihar State Food and Civil Supply Corporation,
Sitamarhi

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Bimal Kumar, Advocate.

For the Opposite Parties : Mr. Narsingh Tanti(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 18-07-2016 Heard both sides.

The petitioner apprehends his arrest in Dumra P.S. Case No.
82 of 2015 registered for the offences punishable under Sections 420,
406, 409 and 34 of the Indian Penal Code.

The petitioner is alleged to have caused loss of 266 quintals
of paddy.

It is submitted that there was no shortage of paddy in the
godown of the petitioner. 266 quintals of paddy was found and the
same was auctioned which appears from Annexure-5 series. Of course,
the quality of paddy was deteriorated as there was no proper godown
provided for storage of paddy. Co-accused Ramesh Kumar @ Ramesh
Kumar Singh, Ravindra Kumar Chaudhary @ Rabindra Kumar
Chaudhary and Nand Kishore Saran @ Anand Kishore Sharan have

already been enlarged on anticipatory bail vide order passed in Cr. Misc. No. 32507 of 2015, Cr. Misc. No. 47828 of 2015 and Cr. Misc. No. 49049 of 2015 respectively on 10.02.2016.

Learned counsel for the B.S.F.C. vehemently opposed the prayer for anticipatory bail of the petitioner.

It appears that the entire amount of paddy was found in the godwon and the same was auctioned sale at a throwaway price at the rate of Rs. 185 per quintals. Therefore, there was no shortage of paddy and the petitioner at best can be held responsible for negligence.

Considering the facts aforesaid, the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Sitamarhi in Dumra P.S. Case No. 82 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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