

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24381 of 2015

Arising Out of PS.Case No. -125 Year- 2015 Thana -PIRO District- BHOJPUR

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Bishundeo Rai, S/o Late Bhuti Rai, Resident of Village-Manjhzaon (Hasan Bazar), P.S.-Piro, District-Bhojpur Proprietor of M/s Ganga Jee Rice Mill, situated at (Hasan Bazar), P.S.-Piro, District-Bhojpur

.... Petitioner

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd. Bhojpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha

For the Opposite Party/s : Mr. Braj Kishore Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

12 29-02-2016 Heard learned counsel, appearing on behalf of the petitioner, and the learned Addl. Public Prosecutor, appearing on behalf of the State.

This is an application seeking grant of anticipatory bail as the petitioner apprehends his arrest in connection with Piro (Hasan Bazar) P.S. Case No. 125/2015, disclosing offences under sections 406, 420, 409 of the Indian penal Code and section 7 of the E.C.Act.

The allegation against the petitioner is that he misappropriated paddy valued at Rs.1,39,69,507/-, which was supplied to him with the condition that he would return due proportion of Customized Milled Rice (CMR).



While calling for the case diary, this Court had granted the petitioner protection from any coercive action to be taken against him in connection with the said case. From the order sheet, I find that on various occasions thereafter, adjournments were sought and the petitioner enjoying the privilege of interim protection granted by this Court. Again when such adjournment was sought on 22.12.2015, this Court considered it proper to vacate the interim order granted in favour of the petitioner on 8.7.2015. Again on 22.2.2016, adjournment was sought when this Court recorded the following order:

“ The petitioner seeks anticipatory bail in connection with Piro (Hasan Bazar) P.S.Case No. 125/2015 for the offences under sections 406, 420, 409 of the Indian Penal Code and Section 7 of the E.C.Act.

By an order dated 8.7.2015 he was granted interim protection against any coercive steps to be taken against him. Thereafter on four occasions adjournments were sought on his behalf, which were granted. On fifth occasion i.e. 22.12.2015 again adjournment was sought for seeking instruction. While allowing the prayer for adjournment, this Court vacated the interim order granted in his favour. Thereafter the matter has been taken on three occasions.

It is surprising that till date, despite the fact that the interim order stood vacated, the petitioner has not been arrested.

Today an adjournment is being sought for one week on the ground of illness of the learned counsel for the petitioner.

As requested, place this matter under the same heading on

29.2.2016.”

Learned Senior counsel, appearing on behalf of the petitioner, submits that the allegation, as contained in the First Information Report, is too vague and not specific and therefore, the petitioner should be granted privilege of anticipatory bail.

Learned Senior counsel for the petitioner has submitted that the petitioner is willing to pay 20% of the amount, if he is granted privilege of anticipatory bail.

However, considering the conduct of the petitioner, in the facts and circumstances of the present case, inasmuch as after having obtained an interim order from this Court he sought repeated adjournments, which compelled this Court to vacate the said interim order, I am not inclined to grant him the privilege of anticipatory bail, as there is apparent possibility of his fleeing from the course of justice, which is an important factor to be kept in mind, while considering an application for grant of anticipatory bail as mentioned under section 438 Cr.P.C. itself.

This application is, accordingly, rejected.

(Chakradhari Sharan Singh, J)

Surendra/-

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