

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.58273 of 2015**

Arising Out of PS.Case No. -212 Year- 2015 Thana -KOILWAR District- BHOJPUR

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Purendra Kumar S/o Late Ram Kumar Mahto Resident of Village -  
Parsauni, P.S. - Parsauni, Dist. - Sitamarhi, at present M.I.G. - 313, South of  
Tempo Stand, Kankarbagh, P.S. -Kankarbagh, District - Patna

.... .... Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, BSFC, Bhojpur

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

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**Appearance :**

For the Petitioner/s : Mr. Vijay Anand  
For the BSFC : Mr. Shailedra Kumar Singh  
For the Opposite Party/s : Mr. Kr. Ranjit Ranjan(App)

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA**  
**ORAL ORDER**

16    03-08-2016            Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with a  
case registered for the offences punishable under Sections  
406/409/420 of the Indian Penal Code.

The petitioner being the Assistant Godown Manager was  
engaged on contract basis since 01.03.2014 in the district of  
Bhojpur by the Bihar State Food and Civil Supplies Corporation.  
It is submitted that the petitioner functioned in the said godown at  
Koilwar and discharged his duties to the best of his ability. He  
further submits that the present case has been initiated at the  
instance of the District Manager of the State Food Corporation,  
Bhojpur wherein it has been alleged that the petitioner has



defalcated an amount of Rs. 3,49,42,353.80 paisa being the quantified amount of 7326.42.740 quintal rice supplied to the godown under the Antodaya and PHS scheme. He also submits that the aforementioned allegation is wholly misconceived as no physical verification was conducted at his godown and that with regard to the same discrepancies, the petitioner had already filed a complaint case bearing Complaint Case No. 1842 of 2015 on 14.08.2015 which was registered as Koilwar P.S. Case No. 210 of 2015 on 14.09.2015. In the aforementioned Complaint Petition, the petitioner has alleged that the transporter had illegally and forcibly taken his signature on in-ward register between the period 15.07.2015 to 29.07.2015 and as such, the discrepancies have been found at his godown. He further submits that the same transporter has been indicted by the State Food Corporation as he had indulged in similar practice at the Barahara godown for which another Barahara P.S. Case No. 302 of 2015 had been registered. For the said case, the Block Supply Officer, Tarari lodged Sikarhatta P.S. Case No. 13 of 2016 in which he has been indicted and his licence has been cancelled. He thus submits that the entire blame lies on the shoulder of the transporter and not the present petitioner.

A counter affidavit has been filed by State Food

Corporation in which the whole facts of the case have been clarified.

It is submitted on behalf of the Bihar State Food and Civil Supplies Corporation that the petitioner was proceeded against by the District Manager on the basis of an enquiry report conducted at the godown prior to 14.08.2015 and the report having indicated that there was a serious discrepancy in the in-ward register and the available material in the godown, it was directed by the District Manager to initiate proceedings against the petitioner. Accordingly, the show-cause notice dated 14.08.2015 was issued to the petitioner to explain the said discrepancy which he did only after sometime. In the said show cause, the petitioner has stated that he had already lodged a complaint case against the transporter indicating that he had forcibly taken his signature on the in-ward register and had issued threat to life.

Learned counsel for the Bihar State Food and Civil Supplies Corporation submits that though it is indicated in the complaint petition that he had been visiting the Thana each day after the alleged taking of signature and the threats having been issued to him, it is not known for what reason the petitioner had not informed either the District Manager of Bhojpur or given any report to the effect to the higher authorities. Such an action by the

petitioner indicates his dishonest intention and no explanation has been offered for the laches on his part.

Having perused the entire facts and circumstances of the case and also after considering the show-cause which has been filed by the petitioner to explain his discrepancy, I am satisfied that prima facie case is made out against the petitioner. Accordingly, I am not inclined to grant anticipatory bail to the petitioner. It is accordingly rejected.

**(Anjana Mishra, J)**

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