

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25272 of 2016

Arising Out of PS.Case No. -31 Year- 2015 Thana -AGIAUN District- BHOJPUR

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Balwant Singh, son of Baidyanath Singh, resident of village - Hadiabad,
P.S. Aiyer, District - Bhojpur, proprietor of M/s Sant Guru Maharaj Rice
Mill, Nahsi, Garhni, P.S. Agiaon, District - Bhojpur

.... Petitioner

Versus

1. The State of Bihar

2. Rajiv Ranjan, District Manager, Bihar State Food Corporation, Bhojpur

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Adv.

For the Opposite Party/s : Mr. Sri Ram Sevak Choudhary

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 23-11-2016

Heard Sri Ravi Ranjan, learned counsel for the
petitioner, Sri Ram Sevak Choudhary, learned Addl. Public
Prosecutor and Sri Shailendra Kumar Singh, learned counsel, who
has appeared on behalf of Opp.Party no.2/ Bihar State Food
Corporation.

The petitioner, who is a rice miller, apprehending
his arrest in Agiaon (G) P.S. Case No.31/2015 registered for the
offence under Section 420, 406, 409 of the Indian Penal Code and
Section 7 of the Essential Commodities Act, has prayed for grant
of anticipatory bail.

It was submitted by learned counsel for the
petitioner that of course, in the F.I.R. it has been alleged that the
petitioner has misappropriated huge amount of paddy to the tune

of Rs.30,12,293.96, fact remains that the petitioner himself is entitled to recover certain amount from the Corporation itself. According to learned counsel for the petitioner, there is no shortage and it was a case of only dispute of accountancy and, as such, a prayer has been made for extending the privilege of anticipatory bail.

Besides hearing learned counsel for the parties, I have also perused the materials on record. Keeping in view the fact that there is allegation of misappropriation of huge amount of the public fund, there is no reason to extend the privilege of anticipatory bail.

The petition stands dismissed.

In view of dismissal of the present petition, interim order of stay stands automatically vacated.

It goes without saying that if the petitioner appears before the court below within six weeks from today and makes a prayer for regular bail, the learned court below without being prejudiced with this order may examine the same and pass appropriate order in accordance with law preferably on the same day.

(Rakesh Kumar, J)

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