

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20351 of 2016

Arising Out of PS.Case No. -50 Year- 2016 Thana -DUMRA District- SITAMARHI

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Sri Shambhu Shankar @ Shambhu Shankar S/o Late Ram Chandra Rai
Resident of Village Kuleshradih P.S. Sakra District Muzaffarpur at present
posted as Assistant Manager B.S.F.C.S. Ltd., in District Madhubani, Bihar.

.... Petitioner

Versus

1. The State of Bihar
2. The Bihar State Food and Civil Supply Corporation.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. N.K.Agrawal, Sr.Advocate &
Mr. Uday Kumar, Advocate.
For the B.S.F.C. : Mr. Aditya Prakash Sahay, Advocate
For the State : Mr. Ajay Kuma-2, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 27-06-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Dumra P.S. Case No. 50 of 2016 for the offences instituted
under Sections 406. 409, 420 and 427 of the Indian Penal Code.

As per prosecution case, the allegation against the
petitioner is that because of his negligence in storage of the paddy
so-purchased, huge amount of paddy was damaged and the
amount in terms of money equivalent to the damaged paddy could
not be deposited by the petitioner.

It has been submitted on behalf of the petitioner that the



petitioner has got no criminal antecedent. From perusal of the FIR itself, it is evident that no wrongful gain has been made on the part of the petitioner, hence no offence under Sections 406 or 409 of the IPC is made out against him. It is at best a case of negligence for which the corporation is said to have suffered. From perusal of Annexure-4 dated 06.03.2013 issued by the Circle Officer, Riga, it is evident that the competent authority were already intimated regarding the paddy being damaged, but in spite of that no steps were taken to protect the procured paddy by the authorities. The purchase of paddy relates to Financial Year, 2012-2013. The present case has been instituted in the year 2016 for which the State Food Corporation has no explain regarding delay in instituting the FIR.

On behalf of the State and the counsel for the Bihar State Food Corporation, it has been submitted that the petitioner is named in the F.I.R and due to his negligent act, the corporation has suffered huge loss.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with **Dumra P.S. Case No. 50 of 2016** on furnishing bail bond of Rs.10,000/-(Ten

Thousand) with two sureties of the like amount each to the satisfaction of the learned **CJM, Sitamarhi**, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

B.Kr./-

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