

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5770 of 2017

Arising Out of PS.Case No. -377 Year- 2016 Thana -MASAURHI District- PATNA

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Vijay Sharma @ Vijay Kumar Sharma, Son of Shree Ram Sharma, Resident
of Village- Bera, P.S. Masaurhi, Distt- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha

For the Opposite Party/s : Mr. Sri Mustaque Alam

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

10 04-09-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Masaurhi P.S. Case No. 377 of 2016, registered under
Section 406 of the Indian Penal Code, pending in the court of Sub-
Divisional Judicial Magistrate, Masaurhi, Patna.

The accusation is that petitioner, being the Chairman
of PACS, Bera, purchased 5349 quintal paddy with an agreement
to return 67% CMR, i.e., 3583.83 K.G. rice to the State Food
Corporation, Bihar, but in spite of passing over the last date to
supply the rice to the State Food Corporation, Bihar, the petitioner
did not supply rice. As such, the petitioner misappropriated the
aforesaid rice.



Learned counsel for the petitioner submits, in fact, the petitioner being the Chairman of PACS, Bera, purchased the paddy as detailed in the F.I.R. to the farmers on payment of price to the farmers and after milling he supplied 168 bags rice to Godown of B.S.F.C. and remaining rice could not be supplied due to non supply of bags. Moreover the recovery proceeding has already been instituted against the petitioner.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer for grant of anticipatory bail stands rejected. The petitioner is directed to surrender before the trial court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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