

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29782 of 2016

Arising Out of PS.Case No. -80 Year- 2015 Thana -KHARAGPUR District- MUNGER

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Prabhakar Kumar Singh @ Prabhakar Kumar @ Diwakar Singh @
Prabhakar Singh, Son of Late Bhola Singh, Resident of Village- Agrahan,
P.S.- Kharagpur, (Shampur), District- Munger.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party : Mr. Nirmal Kumar Sinha (APP)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 14-02-2017 Heard learned counsel for the petitioner and the

State.

The petitioner apprehends his arrest in Kharagpur
(Shampur) P.S. Case No. 80 of 2015 instituted for the offence
under Sections 406, 409 and 420 of the Indian Penal Code.

The First Information Report has been lodged by
Co-operative Extension Officer, Haveli Kharagpur, in the light of
Memo No. 3294 dated 23.03.2015 issued by Headquarter
(Vigilance) of Bihar State Food and Civil Supplies Corporation
Limited, stating therein that in the enquiry report dated
09.03.2015, the allegation of irregularity committed by the
petitioner was found. Total 3168 quintals of paddy i.e. 7920 bags
were entered in the Stock Register, out of which 370 bags have



been transferred to the State Food Corporation, Munger and rest 3508 bags were kept in the premises of Sub-Division, Kharagpur. The rest 4042 bags were found short by the Vigilance Committee at the time of inquiry in the godown.

The case diary has been received in this case.

The learned A.P.P. has pointed out that witnesses in para-9, 10, 16, 20, 21, 22, 23, 27, 36 and 45 of the case diary have supported the case.

It has been submitted on behalf of the petitioner by filing supplementary affidavit that Stock Register of Agrahan PACCS bears the quantity such as 3168 quintals (7920 bags) and it is alleged that 4042 bags of paddy was not found in the godown of Agrahan PACCS. It was reported by the petitioner, who was the elected chairman of Agrahan PACCS, Munger District, to the District Magistrate, Munger on 02.07.2015, paddy of 1258 quintals was kept in the godown of Haveli Kharagpur, since the godown of Agrahan PACCS is under construction. The petitioner was directed by the District Magistrate, State Food Corporation, Munger, vide Memo No. 1051 dated 03.07.2015 to supply the CMR rice by converting the stacked paddy by tagging with Raj Industries and accordingly, the petitioner handed over CMR rice of 1258 quintals of paddy i.e. 843 quintals CMR rice to the State



Food Corporation. It has further been submitted that entire dues of the farmers has already been paid by the PACCS.

But from statement of the farmers as recorded in the case diary, it appears that they have not been paid dues amount.

In such circumstances, this court is not inclined to grant anticipatory bail to petitioner. Accordingly, this anticipatory bail petition is hereby rejected.

The petitioner is directed to surrender before the court below within four weeks from today and seek regular bail which shall be disposed of in accordance with law without being prejudiced by this order.

(Sanjay Priya, J.)

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