

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32354 of 2017

Arising Out of PS.Case No. -48 Year- 2017 Thana -MOHANIA District- BHABHUA (KAIMUR)

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Janardan Singh S/o- Late Raghubansh Singh, resident of Village- Ghoradei,
P.O.- Dhamar, P.S.- Ara Muffasil, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food & Civil Supplies Corporation
Ltd., Kaimur, P.O. & P.S.- Kaimur, District- Kaimur at Bhabhua.

.... Opposite Party/s

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Appearance :

For the Petitioner : Sri R.S. Pradhan, Sr. Adv.
Mr. Ranjeet Choubey
For BSFC: Mr. Harish Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 21-09-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Mohania P.S. Case No.
48 of 2017 instituted for the offence under Sections-409, 420, 467, 468,
188/34 of the Indian Penal Code.

It has been submitted on behalf of the petitioner that he
retired from his original service in November, 2015. Thereafter, he was
given contractual service for three months on 01-03-2016. The District
Office of the Corporation along with a team of four officials conducted
physical verification of the three alleged Godowns on 22-06-2016 and
23-06-2016 and on physical verification, he reported everything correct
and no shortage was found in the three godowns. The physical
verification report has been annexed by the petitioner as Annexure-4
series.



A counter affidavit has been filed on behalf of BSFC today wherein in paragraph-8, it has been submitted that pursuant to order of District Magistrate, Kaimur (Bhabua) dated 25-01-2017, the inventory of articles of the aforesaid godowns was prepared on 31-01-2017 and it has been found that there was shortage of CMR in all the three godowns as mentioned in aforesaid paragraph. The counsel for BSFC has further submitted that the petitioner never handed over charge after his superannuation in spite of several notices and thereafter, inventory was prepared on 31-01-2017 on the order of the District Magistrate, Bhabua.

The BSFC has however not given any specific reply with regard to annexure-4 series which is its own document, which are physical verification report of CMR rice immediately after the end of the contractual service of the petitioner on 31-05-2016. The aforesaid Annexure-4 series shows that physical verification was done on 22-06-2016 of the three godowns and the quantity of the food grain was found correct, which is official document of the BSFC.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Mohania P.S. Case No. 48 of 2017 to the satisfaction of learned Chief Judicial



Magistrate, Kaimur at Bhabua subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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