

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48300 of 2017

Arising Out of PS.Case No. -28 Year- 2017 Thana -IMAMGANJ District- GAYA

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1. Pramod Kumar Singh, son of late Jamutra Singh, resident of village-
Gamharia, P.S.- Akavdhi Gola, District- Rohtas, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bihar State Food Corporation, Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sinha, Advocate

For the Opposite Party No.1: Mr. Nand Kumar, APP

For the Opposite Party No.2: Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6/ 17-11-2017

Heard learned counsel for the petitioner and learned

APP for the State as well as counsel for the Opposite Party No.2.

Petitioner apprehends his arrest in **Imamganj P.S.**

Case No.28 of 2017 instituted for the offence under Section(s)
409 and 420 Indian Penal Code.

It has been submitted on behalf of the petitioner that
Charge has already been handed over by petitioner to Assistant
Godown Manager, Dhruv Kumar Gupta, on 10.11.2016. The
Charge report has been annexed as Annexure-2.

Counter Affidavit has been filed on behalf of the
BSFC, wherein, nowhere genuineness of Annexure-2 has been
denied.

From the First Information Report, it appears that



Informant has not initiated action against aforesaid Dhruv Kumar Gupta. The Informant has made allegation against this petitioner in the written report filed on 06.02.2017, about defalcation made by him, whereas, the petitioner has already handed over charge on 10.11.2016 to Dhruv Kumar Gupta as per Annexure-2. It has further been submitted that the petitioner has retired from service on 31.01.2017.

This Court feels that action of the Informant himself appears to be not bonafide. It seems that no action has been taken against Dhruv Kumar Gupta and only petitioner has been implicated in the case.

Counsel for the BSFC has submitted that Dhruv Kumar Gupta has given a report, which is at running page 26 of the brief, indicating about status of the grains available in the Godown on 18.01.2017. In that letter also, there is no mention anywhere that any defalcation has been made by this petitioner.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Imamganj P.S. Case No.28 of 2017**, he shall be released on anticipatory bail on



furnishing bail bond of `10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Sub-Divisional Judicial Magistrate, Sherghati, Gaya**, subject to the conditions as laid down under Section 438(2) 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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