

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55347 of 2016

Arising Out of PS.Case No. -33 Year- 2015 Thana -ARARIA District- ARRARIA

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Deepak Kumar Sah, son of Harish Chandra Prasad Sah, resident of
Krishnapuri, New Kaliflower Mill, P.S. Khajanchi Hat, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, the Bihar State Food and Civil Supplies Corporation Limited, Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 11-01-2017 Heard learned counsel for the petitioner and the learned A.P.P.
for the State.

The petitioner apprehends his arrest in connection with Araria P.S. Case No.33 of 2015 registered under Sections 406, 409, 420 and 120-B/34 of the Indian Penal Code, pending in the court of the Chief Judicial Magistrate, Araria.

The accusation is that the petitioner posing himself as the owner of Purnima Rice Mill, Araria, entered into an agreement with B.S.F.C., Araria, for milling the paddy and, accordingly, 7272.070 Matric Ton paddy was received to supply the 4872.278 Matric Ton rice but after milling only 1512 Matric Ton rice was received and the remaining 3360.287 Matric Ton rice worth Rs.98053174.66/- was



misappropriated. In course enquiry, it has come that one Brajesh Kumar Yadav, the Manager of Cooperative Bank, Purnia, putting the petitioner in front got available the bank guarantee in the name of his wife Kiran Devi and Nikhil Singh alias Pappu Singh, Kanhaiya Kumar, Rakesh Singh and Arun Kumar were witnesses on the agreement.

Learned counsel appearing on behalf of the petitioner submits that it would appear from the F.I.R. that the petitioner is not the owner of the Purnima Rice Mill, Araria, rather the same was owned by Brajesh Kumar Yadav and his wife, who showed the petitioner as the owner of the Purnima Rice Mill and agreement was prepared in the name of the petitioner while the petitioner has no concern with the aforesaid rice mill.

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

(Rajendra Kumar Mishra, J)

P.S./-

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