

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5423 of 2017

Arising Out of PS.Case No. -182 Year- 2015 Thana -BIKRAM District- PATNA

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1. Ranjeet Kumar, S/o Sri Bholi Yadav, Resident of Village- Chandani Chatar, P.O.- Saidabad, P.S.- Rani Taleb (Kanpa), Distict- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Managing Director, Bihar State Food & Civil Supplied Corporation, Bihar, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kanhaiya Pandey

For the Opposite Party/s : Mr. Sri Ajay Kumar-1

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

6 10-04-2017 Heard both sides.

The petitioner apprehends his arrest in Bikram P.S. case No. 182 of 2015 under Section 467, 468, 471, 419, 420 of the Indian Penal Code.

The District Manager, B.S.F.C. alleged that only 1,13,956 quintals of paddy was purchased but the bill for purchasing 1,21,519.30 quintals of paddy was submitted for payment to the farmers.

The learned counsel for the petitioner submits that no money has been defalcated. Chandresh Rajak was Incharge of purchasing centre. The petitioner was office Assistant. From perusal of the FIR itself, it appears that purchase centre Incharge



was to purchase paddy from the farmers and PACS and he has to prepare bills for payment to the farmers. The petitioner was office Assistant and he was only to maintain the stock and to keep different papers. The petitioner did not furnish any bill for payment to the farmers. Even in the counter affidavit filed by the B.S.F.C. it is not stated that petitioner submitted any bill for payment to the farmers. It was the duty of Incharge, purchase centre, and not of the office Assistant. Kewal Kumar @ Gudar, a broker of purchase centre, was also made accused in the case but he has already been granted anticipatory bail vide order dated 22.12.2016 passed in Cr. Misc. No. 47104 of 2016.

On the other hand, the learned counsel for the B.S.F.C. opposed the prayer for anticipatory bail but he could not be able to show any document to show that the petitioner being, an office Assistant, was entrusted to submit bills for payment to the farmers from whom the paddy was purchased.

Considering the facts aforesaid and the nature of allegations made against the petitioner, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with



two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Patna in Bikram P.S. Case No. 182 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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