

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44788 of 2017

Arising Out of PS.Case No. -279 Year- 2017 Thana -LAHERIMUHALLA District- NALANDA
(BIHARSHARIFF)

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1. Abhay Kumar, s/o Late Binod Kumar Sinha, R/v- Mahanandchak, P.S.-
Tharthari, Distt.- Nalanda at present contractual Executive Assistant,
Bihar State Food & Civil Supply Corporation Ltd. (BSFC), Biharsharif,
P.S.- Laheri, Distt.- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Bihar State Food & Civil Supply Corporation
Ltd., Biharsharif, Nalanda.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Murlidhar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 03-11-2017

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Laheri P.S. Case**
No.279 of 2017 instituted for the offence under Section(s) 409/34
Indian Penal Code.

Counsel for the petitioner has submitted that he was
working as contractual Executive Assistant. He was attached with
Ranjit Kumar, Godown Superintendent, vide Annexure-7, to
work with him. Counsel for the petitioner has further pointed out
Annexure-6, wherein, it has been mentioned in Clause 2 (Kha)
that Executive Assistant will never be in independent charge of
the Godown and he will not be entitled to accept the paddy



independently. Counsel for the petitioner has pointed out Annexure-9, whereby entire responsibility for maintenance of quality and quantity of the paddy in Godown will be of Godown Superintendent. The enquiry report, which has been enclosed with the First Information Report, also speaks that Godown Superintendent, Ranjit Kumar, was responsible for maintaining stock and if there is any shortage of paddy, it is his responsibility for which show cause has been issued against the Godown Superintendent-Ranjit Kumar.

In the written report, there is allegation that in the light of letter no.4076 dated 28.06.2017, Godown of Bihar Sharif was checked by the Supply Officer, Nalanada, and on verification 59279.50 quintals CMR (Clean Mill Rice) was found in place of 76203.71 Quintals of rice and as such, 16768.50 quintals rice was found missing. Standard of rice was also found bad. The District Magistrate has directed to lodge First Information Report against Ranjit Kumar, Godown Superintendent, and this petitioner, who was working as contractual Executive Assistant.

From the documents pointed out by the petitioner, as mentioned above, total responsibility was of Ranjit Kumar-Godown Superintendent. Petitioner was merely working as contractual Executive Assistant, on contractual basis to help the



Godown Superintendent.

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 **Laheri P.S. Case No.279 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 **Chief Judicial Magistrate, Biharsharif, Nalanda**, 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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