

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21492 of 2017

Arising Out of PS.Case No. -205 Year- 2016 Thana -SONBERSA District- SITAMARHI

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Gaurav Kumar S/o late Bhushan Sharma Resident of Village-
Shahdullahpur, P.S. Lalgunj, District- Vaishali.

.... Petitioner

Versus

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

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Ajay Thakur, Advocate.
For the State : Dr. Indiwar Kumari, APP
For the B.S.F.C. : Mr. Harish Kumar, Advocate.

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

4 05-07-2017 Heard the learned counsel for the petitioner, the

learned A.P.P. for the State as also the learned counsel for the

opposite party no.2.

In this application for anticipatory bail the petitioner
apprehends his arrest in connection with Sonbarsa P.S. Case No.
205 of 2016 for the offences punishable under sections 420, 409,
467, 468 and 471/34 of the I.P.C.

On behalf of the petitioner it is submitted that in the
First Information Report allegation against the petitioner is that he
prepared store delivery order which was countersigned by
Gajendra Prasad Singh. The petitioner has simply loaded on the
computer the store delivery chalan and it is Mahesh Jha, the
Assistant Godown Manager who has issued store delivery order.



Against the petitioner there is no allegation for misappropriating any amount. In this case Gajendra Prasad Singh who has countersigned the store delivery order, has already been allowed pre-arrest bail, vide Cr. Misc. No. 12334 of 2017 by order dated 01.05.2017 and as such the petitioner also deserves sympathetic consideration.

The learned A.P.P. and the learned counsel for the opposite party no.2 opposes prayer for pre-arrest bail of the petitioner by submitting that in the case diary allegation against the petitioner has been substantiated vide paragraphs- 6 and 25 and the petitioner in collusion and conspiracy with the Assistant Godown Manager has misappropriated huge quantity of rice amounting to Rs. 1,97,20,327/- and the petitioner is involved in four cases.

In the facts and circumstances as stated above, considering that the case of the petitioner is on different footing than that of Gazendra Prasad Singh as the petitioner has prepared store delivery order being the I.T. Manager and as such I am not inclined to grant privilege of pre-arrest bail to the petitioner and accordingly his such prayer stands rejected in connection with the aforementioned case pending in the court of C.J.M. Sitamarhi.

(Jitendra Mohan Sharma, J)

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