

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10882 of 2017

Arising Out of PS.Case No. -445 Year- 2016 Thana -DANAPUR District- PATNA

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Yadavendra Yadav S/o Shree Indrajeet Yadav Resident of Village- Sonadih,
P.S. Ubhaon, District- Balia Uttar Pradesh.

.... Petitioner

Versus

1. The State of Bihar.
2. The District Manager, B.S.F.C. Patna.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. N.K. Agrawal, Sr. Advocate
Mr. Dhananjaya Nath Tiwari, Advocate.
For the State : Md. Ashlam Ansari, APP
For the B.S.F.C. : Mr. Shailendra Kumar Singh, Advocate.

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

11 10-07-2017 Counter affidavit has been filed on behalf of the Bihar

State Food Corporation. Keep it on the record.

Heard the learned counsel for the petitioner, the

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

on behalf of B.S.F.C.

In this application for anticipatory bail the petitioner

apprehends his arrest in connection with Danapur P.S. Case No.

445 of 2016/ G.R. No. 3336 of 2016 for the offence punishable

under section 7 of the E.C. Act.

The learned counsel for the petitioner submits that no

defalcation has been done. At the time of handing over charge

everything has been found in order. In the counter affidavit from

Annexure- B it reveals that the petitioner has not defalcated any



money. Under confusion the case has been lodged and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. and the learned counsel for the B.S.F.C. on the other hand, submit that the petitioner was Incharge of Danapur godown and some irregularities have been found in that godown and thereafter FIR was lodged, the charge of that godown was given to Abhimanyu Kumar, the Assistant Manager on 31.10.2016 and at the time of taking charge no shortage or defalcation has been found and accordingly the District Manager has forwarded letter of the petitioner vide Annexure-3 to the counter affidavit.

In the facts and circumstances as stated above, considering Annexure- B of the counter affidavit, the petitioner, in case of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of. A.C.J.M. Danapur (Patna) in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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