

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43036 of 2017

Arising Out of PS.Case No. -124 Year- 2017 Thana -CIVIL LINE District- GAYA

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Santosh Kumar Jha, aged about 54 years, Son of Sri Ram Narayan Jha, resident of Village- Titra Ashanand, P.S.- Sakra, District- Muzaffarpur, the then District Manager, State Food Corporation, Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. P.K. Shahi, Sr. Adv.
Mr. Sanjeet Kumar, Adv.

For the Opposite Party/s : Mr. Dinesh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 20-09-2017 Heard the parties.

This application, for grant of anticipatory bail, arises out of Civil Lines (Gaya) P.S. Case No. 124 of 2017, disclosing offences under Sections 419, 420, 120B and 409 of the Indian Penal Code.

The petitioner is a Member of Bihar Administrative Service. At the relevant point of time, he was working as District Manager, Bihar State Food and Civil Supplies Corporation, Gaya. Allegedly during the procurement year 2015-16, huge amount of CMR came to



be misappropriated by the Assistant Manager, Gupteshwar Prasad Sharma, against whom Koch P.S. Case No. 221 of 2016 and Tikari P.S. Case No. 02 of 2017 have been registered.

Allegation against the petitioner is that he failed to maintain due vigil and supervision over the Godowns, taking advantage of which the said CMR got misappropriated.

Learned Senior Counsel, appearing on behalf of the petitioner, has submitted that the petitioner's involvement has been inferred because he did not take any action against the Go-down Manager. According to him, the allegation does not constitute a criminal misconduct in absence of explicit allegation against the petitioner of his involvement in misappropriation of CMR.

On perusal of the First Information Report, I find submission, so made on behalf of the petitioner, to be correct, though tentatively for grant of anticipatory bail. This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of **learned Chief**



Judicial Magistrate, Gaya, in connection with **Civil Lines (Gaya) P.S. Case No. 124 of 2017**, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself/herself before the police/Court, as the case may be, as and when required and in the event of failure on his/her part to appear before the Court on two consecutive occasions, his/her bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Praveen-II/-

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