

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54111 of 2017

Arising Out of PS.Case No. -578 Year- 2016 Thana -MOHANIA District- BHABHUA (KAIMUR)

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Ramashankar Singh, son of Lakshmi Singh, resident of village-Paparenda,
Police Station-Chilla, District-Banda (U.P.).

.... Petitioner.

Versus

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

.... Opposite Parties.

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Appearance :

For the Petitioner : M/s. Yogesh Chandra Verma, Senior Advocate &
Niranjan Kumar, Advocate.

For the State : Mr. Kumar Virendra Narayan, A.P.P.

For the B.S.F.C. : Mr. Shailendra Kumar Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 14-11-2017 Heard the parties.

The petitioner apprehends his arrest in connection with Mohania P.S. Case No.578 of 2016 registered under Sections 409, 420, 467, 468 and 188/34 of the Indian Penal Code, pending in the court of the Chief Judicial Magistrate, Kaimur (Bhabua).

The accusation is that the petitioner being the Incharge of the Godown of the B.S.F.C. of Bazar Samiti, Mohania, purchased 7,64,608.97 quintal C.M.R. in the financial year 2013-14 and 2014-15. Thereafter, on the direction of the District Manager of B.S.F.C., 603536.60 quintal C.M.R. was released. On transfer of the petitioner from Mohania to Gopalganj, in course of handing over the charge, the charge of the Godown Nos.01, 02, 03 and 06



in respect of 123738.34 quintal C.M.R. was handed over to Janardan Singh, Assistant Manager, by the petitioner. The petitioner did not hand over the charge of 37334.03 quintal C.M.R. of Godown No.04 situated at Mohania. On physical verification of Godown No.04, on inventory, 7714.68 quintal C.M.R. was found. As such, rest 29619.35 quintal C.M.R. worth Rs.9,06,94,449.70/- has been misappropriated by the petitioner.

Learned counsel appearing on behalf of the petitioner submits that, in fact, the petitioner was transferred from Mohania to Gopalganj on 30.06.2015 and joined at Gopalganj on 21.08.2015. Thereafter, on the next day, the petitioner was sent on deputation to Mohania to handover the full charge of all the Godowns to Janardan Singh, Assistant Manager, by the office of the S.D.M., Gopalganj. On reaching at Mohania, the petitioner handed over the charge of Godown No.04 also and on physical verification by the Senior Deputy Collector, the stock of the Godown No.04 was found satisfactory but after 1½ years of his transfer, the petitioner has falsely been implicated in this case regarding the misdeed of the other employees.

On the other hand, learned counsel for the B.S.F.C. submits that while the petitioner was transferred from Mohania and joined at Gopalganj as Incharge of the Godown on 21.08.2015



but on the next day, he was deputed by the S.D.M., Gopalganj, to Mohania for handing over the full charge of all the Godowns of B.S.F.C. to Janaradan Singh, Assistant Manager, which would appear from Annexure-5 to this application. The aforesaid fact is itself suffice to show that before joining at Gopalganj, the petitioner had not handed over the charge of all the godowns of the B.S.F.C. situated at Mohania.

Having considered the facts and the circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer of the petitioner for grant of anticipatory bail stands rejected.

(Rajendra Kumar Mishra, J)

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