

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44410 of 2017

Arising Out of PS.Case No. -78 Year- 2013 Thana -NASRIGANJ District- SASARAM (ROHTAS)

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Birendra Kumar Singh Son of Late Munshi Singh, R/o Village- Itwan, P.S.-
Karakat, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar .
2. Dharmendra Kumar Son of Shiv Nandan Sinha, District Manager, State
Food Corporation, Sasaram (Rohtas).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Singh, Sr. Advocate
For B.S.F.C. : Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr. Satyavarat Verma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 06-11-2017 Heard learned counsel for the petitioner, learned counsel
for the BSFC and learned counsel for the State.

The petitioner apprehends his arrest in Nasriganj (Rajpur)
P.S. Case No. 78 of 2013 instituted for the offence under Sections 409,
419 and 420 of the Indian Penal Code.

It is alleged that petitioner was the District Manager of
BSFC, Rohtas, Sasaram and was deputed at Nasriganj as Incharge of
Procurement Centre. The petitioner purchased 49,106 quintals of wheat
through PACS from farmers and deposited only 25,955 quintals of
wheat in the godown. It is further alleged that total 22874.72 quintals of
wheat were found short, the value of which comes to Rs.3,26,20,265/-.
It is further alleged that the petitioner did not turn up to explain the
shortage of wheat in spite of giving information to him by telephone



and also on his Mobile.

Learned counsel for the petitioner has submitted that he has handed over the charge to one Pramod Kumar and this information was given by him to District Manager vide Annexure-3

From perusal of Annexure-3 which is a letter sent by this petitioner to the District Manager, it appears that there is no signature of Pramod Kumar Mishra. It further appears from receipts of postal certificate (Annexure-4 series) that they are dated 30.04.2012, 22.06.2013 and 26.09.2012.

In Annexure-3, the petitioner has mentioned that he was ill on 21.06.2013 whereas from Annexure-4 series it appears that postal receipt has been annexed dated 30.04.2012 and 22.06.2013. Annexure-3 does not bear any signature of Pramod Kumar Mishra to whom the petitioner has stated to have given the charge of the godown.

Considering the facts and circumstances of the case, this Court is not inclined to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner stands rejected.

(Sanjay Priya, J)

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