

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.12095 of 2017**

Arising Out of PS.Case No. -44 Year- 2016 Thana -BASOPATTI District- MADHUBANI

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Babloo Kumar @ Babloo Kumar Ram Son of Shri Chandra Kishore Ram,  
Resident of Village- Donwari Pathalgdha, P.S.- Ladania, District-  
Madhubani.

.... .... Petitioner/s

Versus

1. The State of Bihar  
2. District Manager, Bihar State Food and Civil Supplies Corporation Ltd.,  
Madhubani.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Shekhar Singh, Advocate  
For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

3      28-03-2017                      This is an application for grant of anticipatory bail  
  
for offences punishable under Sections 406, 420 and 409 of the  
  
Indian Penal Code.

Heard learned counsel for the petitioner.

It has been submitted on behalf of the petitioner that

he is Executive Assistant and allegation against him is that he  
purchased 4316.75 quintals of paddy from different PACS and  
sold in the black-market and, as such, defalcated an amount of Rs.  
71,65,805/-. But from Annexure-4 and 5 it appears that details of  
purchase are contained in Annexure-4 and Annexure-5 shows  
regarding payment made by the petitioner. Petitioner has been  
made accused inspite of the aforesaid facts.



Learned counsel for the BSFC has submitted with regard to the conduct of the petitioner. He submits that a show cause explanation was asked from the petitioner but he did not choose to appear before the authority concerned nor he has given any explanation, he even switched off his mobile. He has further submitted that different PACS had come and demanded money. The petitioner has not distributed amount to different PACS and as such, conduct of the petitioner does not deserve grant of anticipatory bail.

Considering the facts and circumstances of the case and conduct of the petitioner, I am not inclined to grant anticipatory bail to the petitioner, the same is rejected.

However, petitioner is directed to surrender in the court below, i.e., learned Chief Judicial Magistrate, Madhubani in connection with Basopatti P. S. Case no. 44 of 2016 and make prayer for regular bail which will be considered on its own merit without being prejudiced by the order of this Court.

**(Vinod Kumar Sinha, J)**

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