

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48519 of 2016

Arising Out of PS.Case No. -72 Year- 2016 Thana -SURYAPURA District- SASARAM (ROHTAS)

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1. Shambhu Singh Son of Sri Jhagru Singh, Resident of Village- Dumraon Tola, P.S.- Dhangai, District- Bhojpur, the then Centre Purchase Incharge, Suryapura Block, District- Rohtas at Sasaram Petitioner

Versus

1. The State of Bihar

2. Bihar State Food and Civil Supply Corporation Ltd. a Govt. of Bihar undertaking through its District Manager, State Food Corporation, Rohtas (Sasaram) Opposite Parties

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Appearance :

For the Petitioner : M/S Abhay Shanker Singh, Navind, A.K. Mishra, Sangeet Deokuliar, Advs.
For the State : Mrs. Dr. Indihar Kumari, APP
For the BSFC : Mr. Aditya Prakash Sahay, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

6 02-03-2017 Heard the learned counsel for the petitioner and the State.

This is a petition for grant of anticipatory bail for offence under Sections 409 and 420 of the Indian Penal Code.

The petitioner was In-charge of Paddy Purchase Center, Suryapura, Sasaram. The petitioner allegedly purchased paddy for the year 2013-14 to the tune of 36958.00 quintals. However, he could supply to the miller only 34135.60 quintals, regarding remaining paddy the petitioner showed that it was publicly auctioned. However, auctioned paddy was not provided to the auctioned purchaser. In the circumstances, there is allegation of misappropriation of 2822.40 quintals.

Submission of the petitioner is that through his letter, dated 07.01.2015, vide Annexure 4, the petitioner had informed to the superior authorities that about 2500 quintals of paddy is lying in the godown and the godown has damaged due to fall of an iron angle. Hence, request



was there to remove the paddy at once. Submission is that no action has been taken by the authorities for removal and proper up-keep of the paddy.

Through counter affidavit the State has produced the latest photographs of the godown, which is completely damaged now and has been informed that in fact that has been converted into charagah for the animals vide photographs at Annexure 'A'.

Considering the aforesaid fact, the petitioner, above named, in the event of his arrest or surrender, within four weeks from the date of receipt of this order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with **Suryapura P.S. Case No. 72 of 2016** to the satisfaction of the **Subdivisional Judicial Magistrate, Bikramganj, Rohtas**, or successor Court, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

(Birendra Kumar, J)

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