

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2827 of 2018

Arising Out of PS.Case No. -308 Year- 2017 Thana -AURANGABAD TOWN District-
AURANGABAD

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Hiralal Chaudhary, Son of Late Ram Sharan Chaudhary, Resident of
Village - Kako, P.S. - Kako, District - Jehanabad.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamal Nayan Choubey, Sr. Adv.
Mr. Ashok Kumar Garg, Adv.
Mr. Prashant Kumar, Adv.
Mr. Dineshwar Pandey, Adv.

For the Opposite Party/s : Mr. Manoj Kumar – 1, APP

For the BSFC : Mr. Harish Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

3 12-02-2018 Heard learned counsel for the petitioner, learned

counsel representing the B.S.F.C. and learned Additional Public

Prosecutor for the State.

The petitioner apprehends his arrest in connection with

Aurangabad Town P.S. Case No.308 of 2017 registered under

Sections 467, 471, 420, 409 and 406/34 of the Indian Penal Code.

Learned senior counsel representing the petitioner

submits that so far as the present petitioner is concerned, he was

working only as lifting in-charge of the go-down in question and he

had no role to play in the matter of preparation of any forged

document as has been alleged in the present case. According to

learned senior counsel the responsibility of lifting and any



irregularity in respect thereof was upon the other employees and not on this petitioner.

On the other hand learned counsel representing the B.S.F.C. submits that it was in fact this petitioner who was preparing the transport challan and he was responsible for allowing lifting of the food grains from the go-down.

Learned senior counsel for the petitioner submits that the allegation in the FIR is of selling of gunny bags for personal benefits, however that has not been corroborated from the allegations in the FIR or the materials collected in course of the investigation.

Learned APP for the State and learned counsel representing the B.S.F.C. have opposed the prayer for bail. They submit that the allegation in the present case is of defalcation of public money under a conspiracy and at this stage it would not be just and proper to grant privilege of anticipatory bail to the petitioner.

Having considered the submissions of learned senior counsel representing the petitioner, learned counsel representing the B.S.F.C. and learned APP for the State, I am not inclined to grant anticipatory bail to the petitioner for the reason that from perusal of the FIR it would appear that this case has got conspiracy angle and the matter is being investigated in which custodial interrogation may be required.



The application is dismissed.

If the petitioner surrenders in the court below and prays for regular bail, then the same shall be considered on its own merit without being prejudiced by the present order.

(Rajeev Ranjan Prasad, J)

Arvind/-

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