

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44294 of 2017

Arising Out of PS.Case No. -65 Year- 2017 Thana -BAKHRI District- BEGUSARAI

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1. Basudeo Das, S/o Dhani Das, Resident of Village- Rohini, P.S.- Jasidih,
District- Deoghar (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, B.S.F.C., Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari

For the Opposite Party/s : Mr. Smt. Madhuri Lata

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 10-01-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Bakhari P.S. Case No. 65 of 2017 instituted for the offence under Section-409 of the Indian Penal Code.

It is alleged in the written report that the petitioner has handed over charge to Assistant Manager, Neeraj Ranjan on 30-09-2016. Thereafter FIR was lodged on 01-04-2017 making allegation that from comparison of charge memo and stock register, wheat and rice of different schemes were found less than what should have been as per chart given in the FIR and the deficit of wheat and rice was found in the stock. It is alleged in the FIR that total deficit is of value 2,04,63,298.26 (Rupees two crore four lakh sixty three thousand two hundred ninety eight and twenty six paise only).

From the written report itself, it is apparent that the



petitioner has given charge on 30-09-2016 to one Neeraj Ranjan Assistant Godown Manager.

As per written report itself, no any deficit was found at the time of handing over charge by this petitioner on 30-09-2016. The FIR has been lodged after about seven months of his handing over charge levelling allegation that deficit has been found in store.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner No. 2 named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Bakhari P.S. Case No. 65 of 2017 to the satisfaction of learned Chief Judicial Magistrate, Begusarai subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner No. 2 shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable cause will be liable to cancel his bail bond and (3) if petitioner No. 2 tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner No. 2.

(Sanjay Priya, J)

A.K.V./-

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