

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47312 of 2017

Arising Out of PS.Case No. -64 Year- 2017 Thana -BAUNSI District- BANKA

=====

1. Rameshwar Mandal, son of late Chulhai Mandal, R/o Village- Sakri
Gali Rampur, P.S.- Sahebganj, District- Sahebganj.

.... Petitioner/s

Versus

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

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. N. K. Agarwal, Sr. Advocate with
Mr. Dhananjaya Nath Tiwari, Advocate

For the Opposite Party/s : Mr. Iftekhar Mahmood, APP

For the BSFC : Mrs. Namrata Mishra, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

11/ 22-02-2018

Heard learned counsel for the petitioner and learned

APP for the State as well as counsel for the BSFC.

Petitioner apprehends his arrest in **Bounsi P.S. Case No.64 of 2017** instituted for the offence under Section(s) 406, 409, 420/34 Indian Penal Code.

As per allegation in the written report, the petitioner being Block Supply Officer-cum-In-charge of Purchase Centre, Bounsi and one Saurabh Kumar Choudhary, Agriculture Co-Coordinator, who was posted at Bounsi, purchased 56302.48 quintals of paddy for the year 2012-13 from the farmers and they delivered 45986.79 quintals of paddy to the millers for milling. It is further alleged that after delivery 10315.69 quintals of paddy



remained in the Godown. The informant further alleged that on 22.12.2015, aforesaid paddy was auction sold, but the Godown In-charge delivered only 7850.39 quintals of paddy to the auction purchasers. Rest 2465.39 quintals of paddy was not found in the Godown. Show cause was issued to the petitioner, but his reply was found not satisfactory.

Counsel for the BSFC was directed to file Counter Affidavit stating the person, who was In-charge of the Godown at the relevant time, when auction was made. A supplementary Counter Affidavit has been filed by the BSFC, wherein, it has been mentioned in para 5 that petitioner was In-charge of the Purchase Centre at the relevant time and in support of such statement letter dated 20.02.2018 has been enclosed.

Counsel for the petitioner has filed Supplementary Affidavit stating in para 4 to 7 that the petitioner was given additional charge of Baunsi Godown vide Collector's order dated 30.05.2013. The petitioner was subsequently transferred as Supply Inspector, Jagdishpur, by order of his parent department i.e. Food and Civil Supplies Department by order dated 04.03.2014. The petitioner after getting order of transfer dated 04.03.2014 from the State Government, joined Jagdishpur as Supply Inspector on 05.03.2014. Thereafter Sri Ram Babu Rai,



Block Agriculture Officer, Bausni, was looking after the Baunsi Godown. In support of such submission, petitioner has also filed Xerox copy of the order issued from Foods and Civil Supplies Department, Govt. of Bihar, which may be kept on record. Counsel for the petitioner has further submitted that he is making such statement on Affidavit and if such statement is found to be wrong then he is ready to face the consequences thereof.

In such circumstances, from the Supplementary Affidavit filed on behalf of the petitioner, it is apparent that the petitioner was not posted at the relevant time as In-charge, Purchase Centre of the aforesaid Godown. He was transferred on 04.03.2014 and he joined on 05.03.2014.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Bounsi P.S. Case No.64 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Additional Chief Judicial Magistrate, III, Banka**, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient



immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner 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.

(Sanjay Priya, J)

JA/-

U		T	
---	--	---	--

