

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12880 of 2017

Arising Out of PS.Case No. -215 Year- 2016 Thana -SONBERSA District- SITAMARHI

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1. Gajendra Prasad Singh Son of Sri Durganand Singh, Resident of Village- Parsa, P.S.- Rajnagar, District- Madhubani,

.... Petitioner/s

Versus

1. The State of Bihar.
2. District Maneger, State food Corporation ,Sitamarhi.

.... Opposite Party/s

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with

Criminal Miscellaneous No.15131 of 2017

Arising Out of PS.Case No. -215 Year- 2016 Thana -SONBERSA District- SITAMARHI

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1. Vijay Kumar Jha Son of Late Gopi Kant Jha, Resident of Village- Barva Ojha, P.S. Shanichari, District- West Champaran, Former Assistant Godown Manager, State Food Corporation, Sonbarsa, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, State Food Corporation, Sitamarhi.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.12880 of 2017)

For the Petitioner/s : Mr. Bhola Kumar

For the Opposite Party/s : Mr. Sri Awadhesh Kumar Singh

(In Cr.Misc. No.15131 of 2017)

For the Petitioner/s : Mr. Ajay Kumar Verma

For the Opposite Party/s : Mr. Sri Satyavarat Verma

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

17 08-01-2018 Both petitions arise out of Sonbersa P.S. Case No. 215 of 2016 registered under Sections-420, 409, 467, 468, 471/34 of the Indian Penal Code, in which, petitioners apprehend their arrest and hence, they are being heard together and disposed of by this



common order.

Heard learned counsel for the petitioners and the State.

The petitioner of Cr. Misc. No. 12880 of 2017 has retired from Sasaram as Assistant of Bihar State Food and Civil Supplies Corporation Ltd. and after his retirement, he was re-appointed as Assistant at BSFC, Sitamarhi. The petitioner of Cr. Misc. No. 15131 of 2017 was Assistant Godown Manager, Sonbarsa at the relevant time.

It is alleged in the written report that on the basis of inquiry report of DDC, it transpires that in the month of March, 2016 to April, 2016, foodgrains were delivered to the doorsteps of PDS dealers amounting to Rs. 1,97,20,327/- on the basis of forged store issue order (SIO).

The Counter affidavit has been filed on behalf of the BSFC wherein it has been submitted that the PDS dealers have been issued show cause in response to which, they have submitted their explanation in which they have denied the fact that they have ever received the foodgrains in question. The petitioner in Cr. Misc. No, 15131 of 2017 has filed supplementary affidavit annexing Annexure-3 wherein he has submitted that SIO (Store issue order) was prepared in three copies and one of the copy was handed over to the PDS dealers which have been enclosed as Annexure-3 series. Those copies bear the signature of respective PDS dealers.

Counsel for BSFC has not filed any reply to deny the genuineness of the aforesaid documents.



In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners named above in the event of their 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 Sonbersa P.S. Case No. 215 of 2016 to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi 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 their absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioners tamper 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 petitioners .

(Sanjay Priya, J)

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