

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54338 of 2017

Arising Out of PS.Case No. -155 Year- 2017 Thana -MAUZAHDIPUR District- BHAGALPUR

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1. Maheshwar Prasad Singh Son of Late Subhrik Singh, R/o Village-
Jamalpur, Athmal Gola, P.S.- Gola, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bihar State Food Corporation , Patna, Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suraj Narain Pd. Sinha, Sr.
Advocate, Mr. Jitendra Narain Sinha,
Advocate
For the Opposite Party/s : Smt. Anita Kumari Singh, APP
For the B.S.F.C. : Mr. Sanjeev Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 16-01-2018 Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Mojahidpur P.S.
Case No. 155 of 2017, G.R. No. 2531 of 2017 instituted for the
offence under Sections 409, 420 of the IPC.

Learned counsel for the petitioner has submitted that he
has handed over charge on 7.10.2016 to Rashid Ahmad. The
charge report is part of the FIR. It has been submitted that FIR has
been lodged on 14.06.2017 by the District Manager of S.F.C.,
Bhagalpur leveling allegation that as per the Stock Register, the
petitioner had to give charge of 10147.29270 quintal of wheat and
918.85665 quintal of rice. But Rashid Ahmad in his charge report



has received only 6620.52 quintal wheat and 128.84 quintal rice and thus the petitioner had not given charge of 3526.7727 quintal wheat and 790.01655 quintal rice.

Learned counsel for the petitioner has submitted that at the time of handing over charge no such allegation was made. The FIR has been lodged after about 10 months of handing over the charge by petitioner. It has been further submitted that this is a matter of accounting and petitioner is ready to explain about the shortage as shown in the written report.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner, 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 bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Mojahidpur P.S. Case No. 155 of 2017, G.R. NO. 2531 of 2017 to the satisfaction of learned C.J.M., Bhagalpur 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) petitioners shall cooperate in the trial and shall be present on each and every dated fixed by the court and absence on two



consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioners and (3) if the petitioners 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 petitioners.

The petitioner will explain about shortage as shown in the written report within three months from the date of his release on anticipatory bail.

(Sanjay Priya, J)

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