

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1670 of 2018

Arising Out of PS.Case No. -217 Year- 2017 Thana -BANKA District- BANKA

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1. Bameshwar Prasad, S/o late Ram Deo Singh, R/o Mohalla- 58A,
Sachiwalya Colony, Kankarbag, P.S.- Patrakar Nagar, Distt.- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

2. The Bihar State Food and Civil Supplies Corporation Limited, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Sharma, Advocate

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

For the BSFC : Dr. Kislay, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5/ 17-02-2018

Heard learned counsel for the petitioner and learned

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

Petitioner apprehends his arrest in **Banka P.S. Case No.217 of 2017** instituted for the offence under Section(s) 420, 409 Indian Penal Code.

Counsel for the petitioner has submitted that he was posted as Block Co-operative Extension Officer, Banka, in the year 2007. While he was discharging the duty of Block Co-operative Extension Officer, he was also assigned the duty of Paddy Purchase In charge Officer, Banka, by the order of the District Magistrate, Banka. The petitioner while posted as Block Co-operative Extension Officer-cum- Paddy Purchase In charge Officer, Banka, purchased total 86109.44 quintal paddy for the



financial year 2012-13 out of which 66927.98 quintal paddy was lifted as per issuance of store issue order issued by the District Manager, SFC, Banka. The petitioner was transferred on 16.06.2013 from Banka to Nawada and thereafter the petitioner joined as Block Co-operative Extension Officer, Nawada, on 17.06.2013. The petitioner informed the District Manager, SFC, Banka, on 13.03.2014 about the remaining 19207 quintal 91 Kg. paddy in the four godowns, which is apparent from Annexure-2.

From the First Information Report, it is apparent that without giving notice to the petitioner, First Information Report has been lodged on 21.04.2017, alleging therein that at the time of auction purchase of the paddy at the Purchase Centre, 5602.027 quintal paddy was found short.

Counsel for the petitioner has pointed out para 6 of the Counter Affidavit filed by the BSFC, wherein, it has been submitted that total 1659.90 quintal of paddy was found short and the same was not made available to the auction-purchaser. BSFC has not denied in the Counter Affidavit statement made by petitioner that he was transferred from Banka to Nawada in the year 2013 and he had joined at Nawada on 17.06.2013. Similarly, there is no denial in the Counter Affidavit that the petitioner had informed the District Manager, SFC, Banka, vide letter dated



13.03.2014 that total 19207 quintal 91 kg. paddy was available in the godowns.

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 **Banka P.S. Case No.217 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 **Chief Judicial Magistrate, 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)

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