

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49521 of 2018

Arising Out of PS. Case No.-168 Year-2017 Thana- CHAINPUR District- Bhabhua (Kaimur)

Janardan Singh, S/o Late Raghuvansh Singh, resident of Village- Ghoradei,
P.S.- Ara Mufassil, District- Bhojpur.

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrendra Narayan Rai
For the Opposite Party/s : Mr. Bisheshwar Ram

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 24-09-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 420, 409, 166, 467, 468, 120(B)/34 of the Indian Penal Code.

It has been submitted on behalf of the petitioner that he retired from his service in November, 2015. Thereafter, he was given contractual service for three months on 01.03.2016. The District Manager of the Corporation along with a team of four officials conducted physical verification of the three alleged Godowns on 22.06.2016 and 23.06.2016 and on physical verification, he reported everything correct and no shortage was found in the three Godowns. The physical



verification report has been annexed by the petitioner as *Annexure 4* series.

A counter affidavit has been filed on behalf of BSFC wherein it is stated that pursuant to order of District Magistrate, Kaimur (Bhabua) dated 25.01.2017, the inventory of articles of the aforesaid Godowns was prepared on 31.01.2017 and it has been found that there was shortage of CMR in all the three Godowns as mentioned in the aforesaid paragraph. The counsel for the BSFC has further submitted that the petitioner never handed over charge after his superannuation in spite of several notices and thereafter, inventory was prepared on 31.01.2017 on the order of the District Magistrate, Bhabua.

The BSFC has however not given any specific reply with regard to *Annexure 4* series which is its own document, which are physical verification report of CMR rice immediately after the end of the contractual service of the petitioner on 31.05.2016. The aforesaid *Annexure 4* series shows that physical verification was done on 22.06.2016 of the three Godowns and the quantity of the food grain was found correct, which is official document of the BSFC.

Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the



court below within a period of thirty days from the date of receipt of the order be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Chainpur Police Station Case No.168 of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioner shall fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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