

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29246 of 2018

Arising Out of PS.Case No. -706 Year- 2017 Thana -HAJIPUR District- VAISHALI(HAJIPUR)

=====

1. Hari Shankar Prasad, son of late Jagarnath Sah, resident of village-
Bhaja Chappra, P.O. Kritipur, P.S. Paharpur, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

2. District Manager, State Food Corporation, Vaishali, Hajipur.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Birendra Nath Mishra, Advocate

For the Opposite Party/s : Smt. Renuka Ratnakar, APP

For the BSFC : Mr. Harish Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

4/ 27-06-2018

Heard learned counsel for the petitioner and learned

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

Petitioner apprehends his arrest in **Hajipur Town**
P.S. Case No.706 of 2017 instituted for the offence under
Section(s) 467, 468, 471, 406, 409, 420 Indian Penal Code
pending in the Court of the **Chief Judicial Magistrate, Hajipur.**

As per the allegation in the written report filed by
the District Manager, BSFC, Vaishali, Rice Miller M/s Shivam
Rice Mill, against whom Lalganj P.S. Case No.75 of 2015 was
instituted with allegation that he has defalcated to the tune of
Rs.73,85,197.88, had filed Bank Guarantee in view of the order
of the Hon'ble Apex Court dated 28.02.2017 passed in SLP
No.1779 of 2016. The aforesaid Bank Guarantee dated



17.04.2017 was deposited by the Corporation in the Bank for credit in the account of the Corporation, but Punjab National Bank returned the Bank Guarantee declaring the same as forged document. The petitioner has committed breach of trust with the order of the Hon'ble Apex Court.

Counsel for the petitioner has submitted that he has made payment of 50% of the amount and he is ready to make payment of the remaining amount.

Counsel for the BSFC has filed Counter Affidavit, wherein, it is mentioned in para 5 that the petitioner failed to deposit 3779.71 quintal CMR even till last date prescribed by the Food Corporation of India and in this way misappropriated the aforesaid CMR and defalcated Rs.81,85,197.88. Thereafter, Lalganj P.S. Case No.75 of 2015 was filed for realization of outstanding dues. Certificate case bearing Case No.02 of 2014-15 was also filed, which is still pending.

It is further submitted that the petitioner submitted Bank Guarantee in terms of the order of the Hon'ble Apex Court dated 28.02.2017 passed in SLP No.1779 of 2016 and when the aforesaid Bank Guarantee of rupees seventy lac dated 17.04.2017 was deposited in the Bank, same was returned by the bank after having found it forged. Letter of the Branch Manager is annexed



as Annexure-A to the Counter Affidavit. It has further been submitted in para 10 of the Counter Affidavit that similar type of conduct was done by the petitioner in another case i.e. Dumra P.S. Case No.94 of 2015.

In such circumstances, this Court does not find it a fit case for grant of anticipatory bail.

Prayer of the petitioner for grant of anticipatory bail is **rejected**.

Petitioner may surrender before the Court below and seek regular bail, which shall be considered and disposed off in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

JA/-

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

