

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42045 of 2018

Arising Out of PS.C.ase No. -40 Year- 2018 Thana -DEO District- AURANGABAD

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1. Hitesh Kumar S/o Sanjay Sharma, R/o Madhukar Colony, Shri Krishna Nagar, P.S. Town, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Bihar State Food & Civil Supplies Corporation, Bihar, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate
Mr. Ashok Kumar, Advocate
For the Opposite Party/s : Mr. Sri Nawal Kishore Prasad, APP
For the BSFC : Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 23-07-2018 Heard learned counsel for the petitioner, the BSFC

as well as the State.

The petitioner apprehends his arrest in Deo P.S. Case No. 40/2018, instituted for the offences punishable under Sections 409, 420 and 406 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that the godown of the petitioner was given on rent to the BSFC for the financial year 2016-17 for keeping CMR. In the written report, it has been mentioned that one Sumit Chakhaiyar was the Assistant Manager of the said godown and he was responsible for proper care and maintenance of the stock of the godown. It is also alleged



in the written report that the key of the godown was with the aforesaid Assistant Manager and it was his responsibility to take proper care of the paddy, kept in the godown. The Assistant Manager did not even complain about missing of paddy as mentioned in the written report.

Learned counsel for the BSFC has submitted that an agreement was entered into between the petitioner, who is a landlord and the BSFC with regard to proper care of the godown. He has pointed out Clause 5 of the agreement wherein it has been mentioned that if any misappropriation is made in the godown, then action will be required under PDR Act.

Learned counsel for the petitioner has submitted that the petitioner is not responsible for causing shortage in the godown, which was under control of the Assistant Manager, namely, Sumit Chakhaiyar and he was keeping the key of the godown in his hands.

Considering the facts and circumstances of the case, the prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with Deo P.S. Case No. 40/2018, 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 learned Chief Judicial Magistrate, Aurangabad, subject to the conditions as laid down under Section 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 shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner 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 petitioner.

(Sanjay Priya, J.)

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