

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19699 of 2018

Arising Out of PS.Case No. -131 Year- 2017 Thana -SULTANGANJ District- BHAGALPUR

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1. Shiv Nandan Das S/o Baij Nath Das Resident of Village- Nima Garh (Rajpur), P.S. Belhar, Distt. Banka.

.... Petitioner/s

Versus

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

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Kamal Nayan, Adv.
For the Opposite Party/s : Mr. Md. Sufiyan, APP
For the BSFC : Mr. Nirat Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 30-04-2018 Heard the parties.

The petitioner is apprehending his arrest in connection with Sultanganj P.S.Case No.131 of 2017 registered for offences punishable under Sections 409 and 420 of the Indian Penal Code.

Allegation against the petitioner is of defalcation of Rs.3,80,000/- as there is shortage of 453 quintal wheat and 457 quintal of rice in the Godown and the petitioner was the Assistant Manager of the Godown.

Submission of the learned counsel for the petitioner is that he has handed over the charge of the Godown to Deepak Prakash Bharti and five months of handing over the charge, the allegation has been made and once he has handed over the charge there is no



liability of the petitioner for the lapses found in the Godown.

Heard learned A.P.P. and the learned counsel for the State Food Corporation. They have opposed the prayer for bail

Having heard both sides and considering the huge amount of defalcation of wheat and rice, I am not inclined to grant anticipatory bail to the petitioner rather let the petitioner surrender before the learned court below within a period of four weeks from the date of receipt of the order and make prayer for regular bail, which will be considered by the learned court below on its own merit.

With the aforesaid direction, this application is dismissed.

(Vinod Kumar Sinha, J)

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