

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17003 of 2019

Arising Out of PS. Case No.-155 Year-2013 Thana- WARISNAGAR District- Samastipur

RAM SHRESHTH SHARMA, Son of Late Fakira Sharma, Resident of Village - Lakshmipur, P.S.- Sakra, Distt.- Muzaffarpur at Present Gaushala Road Near Dr. B.N.Jha at P.O. Mithanpura, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR, Bihar
2. Rajeev Kumar Transporter cum Handling Agent, State Food Corporation, Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Thakur, Advocate
		Mr. Shashank Shekhar, Advocate
For the Opposite Party/s :		Mr.Sanjeev Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 26-03-2019 Heard learned counsel for the petitioner and learned learned Additional Public Prosecutor for the State.

The petitioner is in custody in connection with Warisnagar (Mathurapur O.P.) P.S. Case No. 155 of 2013 for the offenses under Sections 406, 409 and 420 of the Indian Penal Code.

Learned counsel for the petitioner submits that at the relevant time the petitioner was working as Superintendent at the Warisnagar Godown of the BSFC. The allegation against this petitioner is that he received CMR rice from OM Rice Mill, Hasanpur which was unloaded and receipt was given through labourer Sri Surendra, but this petitioner being Superintendent



has not given any receipt saying that the officer of BSFC will come and then receipt will be given.

Learned counsel appearing on behalf of the BSFC submits that against the Transporter cum Handling Agent, BSFC has lodged FIR being Samastipur Sadar P.S. Case No. 265 of 2013 dated 5.9.2013.

The petitioner superannuated in 2017. Learned counsel appearing on behalf of the petitioner would submit that the allegation about involvement of the petitioner in the instant case is denying receipt after unloading the CMR rice which is false as the petitioner was transferred from Samastipur to Buxar and thereafter the FIR was lodged. There is total denial on the part of the petitioner that any CMR rice was received and it is an afterthought. The transporter cum handling agent has lodged the FIR in order to save his own skin. The petitioner is in custody since 18.5.2018.

Considering the fact that the petitioner has remained in custody for more than ten months, the Court is inclined to grant bail to the petitioner. Let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Twenty five Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Samastipur in



connection with Warisnagar (Mathurapur O.P.) P.S. Case No.
155 of 2013, subject to the condition that bailors should be the
local persons having sufficient immovable property.

(Anil Kumar Upadhyay, J)

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