

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16933 of 2019

Arising Out of PS. Case No.-60 Year-2015 Thana- ADAPUR District- East Champaran

Akhileshwar Prasad Verma, aged about 57 years, Male, Son of Late Rajeshwar Prasad Verma, Resident of Mohalla- Alokpuri, Bahal Khana Road, P.S.- Muzaffarpur Town, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 25-03-2019 Heard both sides.

Petitioner apprehends his arrest in Adapur (Motihari)

P.S. Case No.60 of 2015, registered under Sections 409 and 420 of the Indian Penal Code.

The informant, District Manager, Bihar State Food Corporation, alleged that Vijay Shankar Prasad, proprietor of Durga Rice Mill received 8400 quintals of paddy in the procurement year of 2012-13 by executing a deed of agreement with Bhanu Pratap Singh, the then District Manager, Bihar State Food Corporation. Vijay Shankar Prasad had to deliver 5628 quintals of rice but he only delivered 270 quintals of rice. Vijay Shankar Prasad misappropriated 5358 quintals of rice worth Rs.1,16,03,070/-.



Learned counsel for the petitioner submits that petitioner is not named in the FIR. Name of the petitioner figured during the course of investigation as the petitioner was also posted as District Manager, Bihar State Food Corporation from 13.04.2013 to 26.06.2013 but the petitioner did not embezzled any amount nor connived with Vijay Shankar Prasad in embezzlement of rice. It is submitted that Bhanu Pratap Singh was the then District Manager who delivered 8400 quintals of paddy to the miller, namely, Vijay Shankar Prasad and for a very short period, the petitioner was made In-charge of the District Manager, Bihar State Food Corporation. Similarly situated co-accused, Bhanu Pratap Singh and Chandrika Prasad Singh have already been granted anticipatory bail.

Taking into consideration the facts aforesaid and the facts that the miller received 8400 quintals of paddy from Bhanu Pratap Singh, the then District Manager, Bihar State Food Corporation, East Champaran, Motihari but it was Vijay Shankar Prasad who did not deliver 5358 quintals of CMR and thereby Vijay Shankar Prasad misappropriated Rs.1,16,03,070/-, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of this order, be enlarged on 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 Judicial Magistrate, 1st Class, Chhapra in connection with Adapur (Motihari) P.S. Case No.60 of 2015, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Jha, J)

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