

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39733 of 2019

Arising Out of PS. Case No.-19 Year-2017 Thana- SIRDALA District- Nawada

Kamta Prasad, Son of Late Rambarat Prasad, Resident of J.K.S/G-28 behind the Flat of Ram Lakhan Mahto, Old Jakkanpur, P.S.- Gardanibagh, District-Patna- 800001.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Bihar State Food and Civil Supplies Corporation Ltd., Nawada.
Nawada.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vinod Kumar, Advocate.
For the Opposite Party/s	:	Mr.Parmeshwar Mehta, APP
For the BSFC	:	Mr. Shailendra Kumar Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 28-06-2019 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Sirdala P.S. Case No. 19 of 2017, registered under Sections 409, 420, 467 and 468 of the Indian Penal Code, pending in the court of A.C.J.M.-V, Nawada.

The accusation is that petitioner, being the Assistant Manager of Godown of State Food Corporation, Sirdala, Nawada, was asked to hand over the charge of Godown to newly appointed Assistant Manager, Roushan Kumar but he did not comply the direction of higher officials. Thereafter, in the



light of direction of District Officer, Nawada, the Godown was opened for handing over the charge to newly appointed Assistant Godown Manager in presence of Circle Officer, Sirdala, Nawada, in which, only 476.93 quintals wheat and 330.45 quintals rice were found against 1171.69 quintals wheat and 742.05 quintals rice. As such, petitioner misappropriated 1294.76 quintals whet and 411.60 quintals rice worth of Rs.41,95,540.20/-.

Learned counsel for the petitioner submits that, in fact, petitioner was appointed as Assistant Godown Manager, Sirdala on contract basis and at the time of order for handing over the charge of godown, he was suffering from rib fracture and admitted in hospital and in his absence, godown was opened and the charge was handed over to Roushan Kumar, newly appointed Assistant Godown Manager and petitioner had no occasion to verify the stock in the godown and he has falsely been implicated in this case with ulterior motive.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer for grant of anticipatory bail stands rejected. The petitioner is directed to surrender before the trial



court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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