

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48298 of 2019

Arising Out of PS. Case No.-489 Year-2018 Thana- DINARA District- Rohtas

ANIL KUMAR Son of Ramchandra Ram Resident of Village - Kanhauli Ajarkabe, Shakti Nagar, P.S.- Ramna Mithanpura, Dist.- Muzaffarpur at Present Asst. Manager, State Food Corporation, Dinara, P.S.- Dinara, Dist.- Rohtas.

... .. Petitioner/s

Versus

1. STATE OF BIHAR
2. State of Bihar THROUGH DISTRICT MANAGER, STATE FOOD CORPORATION, ROHTAS AT SASARAM. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Adv. Mr. Amresh Kumar Sinha
For the Opposite Party/s :		Mr. Parmeshwar Mehta
For BSFC		Mr. Neeraj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 18-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 409/420 of the Indian Penal Code.

The prosecution case, in brief, is that on physical verification of TDPS godown by the DCLR and the Manager, deficit of 1369.40 quintals of rice and 500.06 quintals of wheat was found and in this manner, misappropriation of Rs. 76,68,661/-was alleged done.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the



petitioner. The petitioner has been falsely implicated in the present case. As per the FIR, the petitioner is said to be an Assistant Godown Manager of the Bihar State Food & Civil Supplies Corporation, Rohtas at Sasaram. Certain shortages were found on verification of godown which led to the institution of the present case. It has further been submitted on behalf of the petitioner that the petitioner is ready to deposit an amount of Rs. **15,00,000/-** in two installments in the court below which shall be subject to final outcome of the case.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, the petitioner is directed to deposit an amount of Rs. **7,50,000/-** in the court below. On doing so, the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, shall be released on provisional anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Lal Bihari Paswan, learned Judicial Magistrate-Ist Class, Bikramganj, Rohtas in connection with Dinara P.S. Case No. 489 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure.

It is made clear that after release on provisional anticipatory bail, the petitioner shall deposit the rest amount of Rs. **7,50,000/-** in the court below within next six weeks and if the petitioner deposits the total amount of Rs. **15,00000/-** in the aforesaid manner, the court below shall confirm the provisional anticipatory bail, granted to the petitioner and if the petitioner fails to do so, the provisional anticipatory bail granted to the petitioner shall stand cancelled by the court below itself and the court below shall take all necessary steps for production of the petitioner.

(Sudhir Singh, J)

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