

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80346 of 2019

Arising Out of PS. Case No.-396 Year-2019 Thana- BIKRAMGANJ District- Rohtas

RINKU PANDEY @ RINTU PANDEY Son of Sri Nand Jee Pandey Resident
of Village- Purandarpur, Ghosiya Kala, P.S.- Bikramganj, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kanhaiya Pandey
For the Opposite Party/s : Mr.Ansar Ul Haque

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

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

The petitioner apprehends his arrest in connection with Bikramganj P.S. Case No. 396 of 2019 for the offence registered under Sections 409, 407 and 201 of the Indian Penal Code.

The case of the prosecution as per the written complaint filed by the Block Supply Officer, Bikramganj is that certain quantities of rice and paddy were seized from the premises of *Ganesh Jee Rice Mill* in connection with Bikramganj P.S. Case No. 54 of 2008 and was handed over to the petitioner herein, who happens to be son of the owner of the said rice mill for storing it in a secured environment on '*Zimmenama*'. It is further alleged that in Supply Confiscation



Case No. 3 of 2008, an order dated 05.06.2008 was passed whereby the Assistant District Supply Officer, Bikramganj and Block Supply Officer, Bikramganj were directed to sell the aforesaid seized rice/paddy and deposit the sale proceeds in the Treasury by means of a challan as also produce the receipt along with the compliance report before the Court. It is further stated in the aforesaid complaint that in compliance of the order of the Court dated 05.06.2008, the petitioner was made aware of the said order and was directed to sell the said rice/paddy to the State Food Corporation and deposit the sale proceeds in the Sub-Divisional Nazarat. However, it is alleged that the petitioner neither took any action nor he appeared before the authorities to submit his defence nor wrote any letter. It has also been alleged that despite the petitioner being requested several times, he did not cooperate with the officials, hence apparently the petitioner had sold the aforesaid rice/paddy illegally and misappropriated the amount thereof.

The learned counsel for the petitioner has submitted that the aforesaid rice/paddy was given to the petitioner several years back and the same had become rotten with the passage of time and had been destroyed. It is further submitted that the respondents officials are harassing the petitioner after a lapse of



11 years only with a view to save their skin. It is further submitted that the petitioner is having a clean antecedent and is not likely to flee away from investigation.

I have heard the learned counsel for the petitioner and perused the materials on record and admittedly the petitioner was handed over huge quantity of rice/paddy on '*Zimmenama*' and no answer is forthcoming from the petitioner about the whereabouts of the said rice/paddy and it has been merely stated that the same had become rotten with the passage of time. Thus a *prima facie* case of misappropriation of either the rice/paddy in question or its sale proceeds, is definitely made out, hence I find that at least no case has been made out by the petitioner for grant of anticipatory bail.

Thus the present petition stands dismissed.

(Mohit Kumar Shah, J)

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