

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8270 of 2020**

Arising Out of PS. Case No.-26 Year-2017 Thana- KALER District- Jehanabad

=====

AJAY KUMAR @ AJAY SHARMA Son of Ramnaresh Sharma Resident of
Village- Arai, P.S.- Daudnagar, District- Aurangabad.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
 2. Bihar State Food Corporation, Arwal through its District Managar. Bihar.
- Opposite Party/s
- =====

Appearance :

For the Petitioner/s : Mr.Manish Kumar No. 2
For the Opposite Party/s : Mr.Parmeshwar Mehta

=====

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

3 19-06-2020 The petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard Sri Manish Kumar No. 2, the learned counsel appearing for the petitioner and the learned APP for the State.

This is an application for grant of anticipatory bail in connection with Kaler P.S. Case No. 26 of 2017 registered for the offence punishable under Sections 406, 420, 409 and 34 of the Indian Penal Code.

The case of the prosecution in brief is that on 15.8.2017, the informant, namely, Pankajj Kumar Sinha, District Manager, State Food Corporation, Arwal submitted a written report that altogether 1328.61 quintal of CMR contained in 2658 bags had



been stored in the PACS godown, North Kaler by Shambhu Bhardwaj, Assistant Godown Manager. During the course of physical verification conducted on 11.8.2017, not a single bag of grain was found. The allegations against the accused persons including the petitioner is that they had colluded with each other and had received defalcated rice from the godown of FCI. As far as the co-accused person, namely, Binod Kumar is concerned, he is stated to be a businessman and dealing in rice and it is alleged that he had defalcated the aforesaid Government rice and supplied the same to the petitioner and co-accused person, namely, Dharmendra Kumar. The petitioner is stated to be the owner of rice mill, namely, Jai Mata Di Food Processing Private Ltd.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent except being an accused in one other case in which he is on bail. It is further submitted that co-accused person, similarly situated namely, Dharmendra Kumar, has been granted the privilege of anticipatory bail by a coordinate Bench of this Court vide order dated 2.3.2020 passed in Criminal Miscellaneous No. 4916 of 2020. It is further submitted that the petitioner has not been named in



the first information report and during the course of investigation, it has come to light that the petitioner has purchased rice from the grain dealer, hence, even if the aforesaid facts are assumed to be true then also the petitioner is a bonafide purchaser of rice inasmuch as he has not purchased defalcated grain from anyone rather he has purchased the grain in a routine manner from his dealer.

Considering the aforesaid facts and circumstances of the case as well as the submissions made by the learned counsel for the petitioner, apart from taking into account the materials available in the case diary as also considering the parity of the case of the petitioner with that of the co-accused person, who has already been granted the privilege of anticipatory bail by a coordinate Bench of this Court, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge-Millers-cum-Judicial Magistrate 1st Class, Gaya in



connection with Kaler P.S.Case No. 26 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

Ajay/-

U		T	
---	--	---	--

