

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22707 of 2020**

Arising Out of PS. Case No.-61 Year-2015 Thana- PURNEA SADAR District- Purnia

BHAGWAT SINGH S/O Tara Singh Resident of House No.-355/198B/10,
P.S. Rajrooppur, District - Allahabad (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh
For the Opposite Party/s : Mr. Zainul Abedin

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

2 30-09-2020

The present 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.

Heard the learned counsel for the petitioner and Sri Zainul Abedin, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Purnea Sadar PS case no. 61 of 2015 registered for the offences punishable under Sections 406, 420 of Indian Penal Code.

The case of the prosecution in brief is that a Mumbai based company is having several warehouses across the country where the company stocks goods of various traders on rent and thereafter, delivers the same and 6 to 7 such warehouses are also situated at Gulabbagh, out of which one



Metro warehouse is situated at NH-31 near Damka Chowk, Gulabbagh, where 6315 sacks of Maize was stocked in between 2nd June to 6th June, 2014, however at the time of its delivery i.e. in between 6.11.2014 to 24.11.2014, only 6198 sacks of Maize could be delivered by the Company to the trader, as such the Company suffered a loss of 117 sacks of maize weighing 40.240 tonnes. It is further alleged that upon verification of the stock registers, it was found that two employees of the Company including the petitioner herein had misappropriated the said stock and grabbed the money.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that the petitioner has left the job in question long back and has got no complicity in the matter and moreover, the duty of the petitioner was only limited to sample checking of goods and its quality, however the petitioner was never entrusted with the duty of keeping track of the stock in question, hence it is submitted that the petitioner may be granted the privilege of anticipatory bail.

The learned APP for the State has vehemently opposed the prayer for bail.



Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the parties and taking into account the fact that according to the petitioner, he was only entrusted with the responsibility of sample checking the goods as also taking into account the fact that he is having a clean antecedent, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail, however subject to certain conditions. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Purnea Sadar PS case no. 61 of 2015 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

This Court further directs that since the investigation of the present case is going on, the petitioner herein shall appear before the Officer-in-charge of the concerned police station on each and every Monday of the week and co-operate with the Investigating Officer and in case of two consecutive defaults in



appearing before the said Officer-in-charge, the present privilege of bail being granted to the petitioner herein shall stand cancelled automatically and the petitioner would be taken into custody forthwith.

(Mohit Kumar Shah, J)

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