

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77983 of 2019**

Arising Out of PS. Case No.-109 Year-2019 Thana- AGIAON BAZAR District- Bhojpur

MASQOOR ALAM KHAN @ MD. MASQOOR ALAM KHAN @
MASKUR ALAM KHAN Son of Sri Maqsood Alam Khan Resident of
Village - Chorma, P.S.- Pakridayal, District - East Champaran, Bihar

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Assistant Manager, State Food Corporation, Piro, Bhojpur, Bihar cum informant Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Prabhat Ranjan, Adv
For the Opposite Party/s	:	Mr.Parmeshwar Mehta, APP
For O.P.No.2	:	Mr. Siddharth Harsh, Adv

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

6 13-10-2020 The matter has been taken up through video conferencing.

Heard learned counsel for the parties.

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

The petitioner was posted as Assistant Godown Manager at S.F.C., Ara in between February, 2014 to 03.02.2015. On report of black marketing of the grains, the godown was sealed on 02.02.2016 and the petitioner was transferred to some other place on 03.02.2016 as well as a



disciplinary proceeding was initiated. In the year 2019, the seal of the down was opened, inventory was prepared and irregularity was noticed in misappropriation of the grains. Accordingly, the present FIR was lodged.

Learned counsel for the petitioner submits that there is no explanation from the prosecution for opening the sealed godown after three years. Moreover, Annexure-10 would show that on 04.06.2018, 7914.94 quintals of rice was there in the godown, hence, it is surprising that after one year i.e. in the year 2019, only 190 quintals of rice was found at the time of preparation of inventory. In fact the authorities allowed the rice to get damaged as well as they themselves removed the same and lodged a belated false case just to save their skin.

Learned counsel for the State Food Corporation, Bhojpur, Bihar submits that three FIRS were lodged against the petitioner for different misappropriations committed in respect of different godowns. Moreover, the allegation is very serious of defalcation of crores of rupees.

Considering the serious infirmities noted above in failure of the prosecution to act with due diligence at the earliest, a serious doubt is there in the prosecution case for the purpose of consideration of this prayer for anticipatory bail,



hence, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Agiaon Bazar P.S.Case No.109 of 2019 (G.R.No.3418 of 2019), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further the petitioner shall fully cooperate with the investigation/trial of the case and also the petitioner shall not leave the country without permission of the learned Trial Court, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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