

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.551 of 2020

Arising Out of PS. Case No.-7 Year-2016 Thana- KORANSARAI District- Buxar

DUDHESHWAR SINGH Son of Late Shivnandan Singh Resident of Village-
Pathani, Police Station- Dinara, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd.
Buxar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sushil Kumar Singh
For the State	:	Mr.Parmeshwar Mehta
For the BSFC	:	Mr. Shailendra Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 08-09-2020 Due to COVID-19 Pandemic, the matter is being taken
up by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders”
under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case
registered under Sections 406, 409 & 420 of the Indian Penal
Code.

Allegedly, 1795.4795 quintals of wheat valued at Rs.
25,60,425.59/- which was to be stored in BSFC was
misappropriated by the accused persons.



It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case at the instance of co-accused Ramjee Prasad Singh who happens to be the Assistant Chakbandi Officer-cum-Purchase Centre, in charge. The petitioner is not named in the FIR. His name transpired in this case at the instance of said co-accused. The petitioner is a transporter. No such challan has been issued by the petitioner for transportation of the wheat, in question. Except for the allegation made by the co-accused, there is no other substantive evidence to suggest the implication or participation of the petitioner in the present case.

Counsel for the State and Mr. Shailendra Kumar Singh, learned counsel, appearing for the Corporation, it has been submitted that it is true that the petitioner is not named in the FIR. His name surfaced in this case at the instance of co-accused Ramjee Prasad Singh

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on furnishing



bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount to the satisfaction of Sri Ramesh Kumar, learned Judicial Magistrate-Ist Class, Court No. II, Buxar in connection with Koran Sarai P.S. Case No. 07 of 2016 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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