

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9428 of 2020

Arising Out of PS. Case No.-209 Year-2018 Thana- AKBARPUR District- Nawada

BIRENDRA KUMAR SINGH, Son of Jagjiwan Singh, Resident of Village -
Karma, P.S.- Suryapura, Dist.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Bihari

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

7 04-01-2021 Heard learned counsel for the petitioner and learned
APP for the State.

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

The prosecution case in brief is that the petitioner was Assistant Manager in State Food Corporation, T.P.D.S., Godam, Akbarpur (Nawada) and he defalcated 2210.91 quintal of rice valued Rs. 72,22,380.00 (Rupees seventy two lacs twenty two thousand three hundred eighty) from the godown of S.F.C. and the FIR has been lodged on the letter no. 781 dated 31.08.2018 of informant Praveen Kumar Deepak, District Manager, State Good Corporation, Nawada.

Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. In fact from the date of joining this petitioner started receiving rice on truck but each truck there was shortage of rice and this fact was communicated every time to the informant as well as the office by sending letter which they received but in spite of that this false case has been lodged against the petitioner. The petitioner has got clean antecedent.

Learned APP for the State opposes the prayer for bail petition and submits that this anticipatory bail application is not maintainable as proclamation has been issued against the petitioner vide para 72 of the case diary and processes u/s 83 Cr.P.C. issued against the petitioner.

From perusal of the record and the case diary, it appears that this petitioner is named in the FIR and he has defalcated huge amount of rice meant for public from the aforesaid godown of S.F.C. The informant as well as other witnesses have supported the prosecution case and during investigation police received warrant and processes u/s 82-83 Cr.P.C. from the court against this petitioner.

In the aforesaid facts and circumstances, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected in connection with Akbarpur



P.S. Case No. 209/2018 from the Court of learned A.C.J.M.-1,
Nawada.

Accordingly, the application is dismissed.

However, petitioner is directed to surrender before
the learned court below and make prayer for bail, the learned
court below shall dispose of the bail petition on the same day
without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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