

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7494 of 2021

Arising Out of PS. Case No.-137 Year-2016 Thana- KUSHESHWARASTHAN District-
Darbhanga

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Arun Kumar Sinha, aged approx 68 years, Male, Son of Late Kailash Bihari Sinha, Resident of Village-Laskariganj, P.S.-Sasaram, District-Rohtas, Presently Resident Of Village-Sahpur, P.S-Chainpur, District-Palamu (Jharkhand).

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Udbhav, Advocate.
For the Opposite Party : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-07-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned A.P.P. for the State through Virtual mode.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 409 and 420 of the I.P.C.

The prosecution story, in brief, is that one Chiranjeev Lal, District Manager, State Food Corporation, Darbhanga, lodged a written report vide Letter No. 780 dated 24.06.2016, addressed to the Officer-in-Charge of Kusheshwar Asthan Police Station stating therein, inter-alia, that in the wheat procurement year 2012-13, on the order of the District Magistrate, the In charge of purchase centers were deputed



under State Food Corporation Godown. The said procured wheat was to be sent to the Food Corporation of India and other godowns but the following employee i.e., Arun Kumar Sinha (petitioner) has damaged/misappropriated some quantity of wheat amounting to Rs. 39,54,080/- as he was the Assistant Manager of Kusheshwar Asthan Godown. A certificate case was also initiated against the petitioner but he has not deposited the damaged/misappropriated government property. It is an ambitious scheme through which wheat was being purchased on the Minimum Support Price fixed by the Government so that the farmers may not be compelled to sell the wheat to the traders and he has obstructed in the said work.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner was posted as Assistant Manager at Kusheshwar Asthan Godown. Allegation is of misappropriation of Rs. 39.54 lacks. The said incident is said to have taken place in the year 2012-2013. It has further been submitted that the petitioner had superannuated on 15.07.2012 and he had handed over charge to his successor. He has got no



concern with the transaction of the said financial year.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

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 twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of the learned S.D.J.M. Biraul, in connection with Kusheshwar Asthan P.S. Case No. 137 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees Ten Thousand) only with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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