

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11577 of 2021

Arising Out of PS. Case No.-210 Year-2016 Thana- KOTWALI District- Munger

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ARUN KUMAR SINGH Son of Late Dilip Narayan Singh, Resident of
Village - Dariyapur Shivganj, P.S.- Mufashil, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Sevak Choudhary

For the Opposite Party/s : Sucheta Yadav

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 03-02-2022 Heard the learned counsel for the petitioner and the

learned Additional Public Prosecutor for the State through video
conferencing.

The petitioner apprehends his arrest in connection
with Kotwali P.S. Case No. 210 of 2016 registered for offence
punishable under sections 406, 420 of the Indian Penal Code.

The informant is Civil Surgeon-cum-Secretary of
District Health Department, Munger. As per FIR, on different
dates from 07.11.2008 to 14.01.2009, Rs. 6,99,791/- was paid to
M/s Sri Krishna Febicons Private Limited, Patna by six Bank
Drafts. The detail thereof has been mentioned in the FIR. The
aforesaid Firm did not supply the medicines for which the
amount was paid, neither it returned the money even after



correspondence in this regard.

The learned counsel for the petitioner has submitted that the present petitioner is only Store Keeper and he has no indulgence in the alleged offence. He has also submitted that co-accused Md. Arif Hussain @ Md. Aarif Hussain has been granted anticipatory bail by the coordinate Bench in Cr. Misc. No. 16308 of 2019, vide order dated 28.08.2019.

On perusal of the order of learned Additional Sessions Judge-V, Munger it appears that the learned Additional Sessions Judge, after perusal of the case diary, has mentioned that the indulgence of the present petitioner has been figured in page-32 and paragraph no. 86 of the case diary. Although, the zerox copy of the case diary has been received in the Court, which shows that it has only been sent upto paragraph no. 37.

The Demand Drafts were issued from 07.11.2008 to 14.01.2009 for six times and the payments were made without receiving the medicines from the above-mentioned firm.

It was duty of the present petitioner to inform the higher authority that the medicine has not been received in the store of the Health Department and he should have also apprised the higher authority about the current status of the stock register, to which he failed and failure appears to be mala-fide.



Considering the above mentioned facts and circumstances, I do not find to be a fit case for anticipatory bail and accordingly the prayer for anticipatory bail is rejected.

(Nawneet Kumar Pandey , J)

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