

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42768 of 2021

Arising Out of PS. Case No.-90 Year-2021 Thana- JALE District- Darbhanga

VIVEK KUMAR, Son of Vijay Kumar, (Godam sahayak Prabandhak, Jale Rajya Khadya Nigam, P.S. - Jale, District - Darbhanga), Postmartam Road, Patel Nagar, Nawada, P.S./ District - Nawada.

... .. Petitioner

Versus

1. The State of Bihar
2. The Bihar State Food and Civil Supplies Corporation Limited, Patna, through its Managing Director.

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Sidhendra Narayan Singh, Advocate
For the Opposite Party	:	Mr. Brajendra Nath Pandey, APP
For the B.S.F.C.	:	Mr. Shailendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 18-05-2022 Heard learned counsel for the parties.

Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

This application for anticipatory bail arises out of Jale PS. Case No. 90 of 2021 for the offence punishable under Sections 409, 420, 427 of the Indian Penal Code.

It has been submitted by learned counsel for the petitioner that a Thee Men Enquiry Committee had directed that further inquiry be conducted by the District Manager but without waiting for the further enquiry, the District Magistrate, directed for registration of the F.I.R. It has also been submitted



that what was received by the petitioner at the time of taking charge and while he submitted his charge after transfer, no discrepancy has been found. It has further been submitted that no offence is made out from reading of the F.I.R. and if any irregularity has been committed by the petitioner, he may have been proceeded departmentally but no defalcation has been committed by him.

Learned counsel for the B.S.F.C. has relied upon Joint Inspection Report and submitted that certain acts and omissions have been committed by the petitioner for which the present F.I.R. has been registered.

This Court fails to understand as to why the District Magistrate was in hurry to get the F.I.R. registered. He should have waited for further enquiry of the District Manager and thereafter if some criminality would have been found, the direction for registration of F.I.R. should have been given. Moreover, the petitioner is still in Government service and there is no chance of his absconding.

Considering the aforesaid facts, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, let the petitioner, above named, in the event of his arrest/surrender within four weeks from today in the



Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., 1st, Darbhanga, in connection with Jale P.S. Case No. 90 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sandeep Kumar, J)

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