

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59640 of 2018

Arising Out of PS. Case No.-327 Year-2017 Thana- CIVIL LINE District- Gaya

Om Prakash, son of Vishwanath Prasad, R/o Mohalla- Chotki Delha, P.S.-
Delha, District- Gaya.
Petitioner/s

Versus

The State of Bihar. Opposite Party/s

WITH

CRIMINAL MISCELLANEOUS No. 75860 of 2018

Arising Out of PS. Case No.-327 Year-2017 Thana- CIVIL LINE District- Gaya

Dhirendra Kumar Verma Son of Gopal Lal Verma Resident of Village/Moh.-
Budh Nagar,Road No.1,Postal Park Chauraha,P.S. Kankarbagh,Distt.-Patna,at
present posted as Assistant Godown Manager,B.S.F.C.,Jehanabad Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager,Bihar State Food @ Civil Supplies Corporation,
Ltd.,Distt. Office,Gaya Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 59640 of 2018)

For the Petitioner/s : Mr. Sanjeet Kumar, Advocate

For the Opposite Party/s : Mrs. Dr. Indihar Kumari, APP

(In CRIMINAL MISCELLANEOUS No. 75860 of 2018)

For the Petitioner/s : Mr. Binay Kumar, Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

For the B.S.F.C. (in both cases) : Mr. Shailendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
C.A.V. ORDER

27 06-09-2022 As both these bail applications have cropped up from

the same police station case number, hence, with consent of

parties, they are being heard together and disposed of by this

common order.

Heard learned counsel for the petitioners and the

learned A.P.P. for the State.



The petitioners apprehend their arrest in Civil Lines P.S. case No. 327 of 2017 registered for the offences punishable under Sections 467, 406, 409 & 120B/34 of the Indian Penal Code pending in the Court of learned C.J.M., Gaya.

Petitioners in association of other co-accused, in conspiracy with each other, are said to have got prepared forged papers relating to supply and transportation of gunny bales and misappropriated the government money for personal gain.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case merely on suspicion. It is further stated that the Dy. S.P. in his enquiry report for the year 2013 has mentioned that different trucks bearing registration numbers of different States were used for lifting of gunny bales and during enquiry it has been found that truck numbers mentioned in R.T. notes are found to be of motorcycle, tractor and car and not of trucks. Similarly, the Dy.S.P. in his enquiry report for the year 2014 has stated that one truck bearing registration no. JH02M-4406 mentioned in R.T. notes is of Bajaj Auto. It is stated that the Dy. S.P. has



made wrong entries regarding the registration numbers of seven different trucks in his enquiry report. The said Dy. SP. has mentioned the registration number of the first truck as JH02P1445, whereas in R.T. notes and the owner book the correct no. is JH02R-1446. Similarly the registration number of the second truck mentioned in R.T. notes and owner book is JH02T-7251 whereas Dy.S.P. has wrongly mentioned it as JH-02P-5251, further the registration number of the third truck in the owner book is JH 02T 6889 and the R.T. notes it is wrongly written as JH 02P-6889. The fourth truck number in enquiry report is JH-02Q-6643, whereas in owner book and R.T. Notes the truck number mentioned is as JH02D-6643. The Dy. S.P. has mentioned registration number of the fifth truck as JH02W 2762 whereas in owner book and R.T. notes the correct number is written as JH02-2162. The registration number of the sixth truck is mentioned as JH-02K-2756 by the Dy. S.P. whereas in owner book and R.T. notes the number as mentioned as JH-09U-2756. Further the registration number of the seventh truck as mentioned by the DY.S.P. in his enquiry report is JH028-2900, whereas in the R.T. notes and owner book the correct number mentioned as JH-02B-2900. It is further submitted that the Dy. S.P. with ulterior motive intentionally and deliberately



mentioned wrong registration numbers of the said trucks in his enquiry reports for the reasons best know to him. Petitioners have no concern regarding the differences in lifting, transportation and billing of gunny bales. It is also submitted that the said enquiry has not been conducted in proper and correct perspective meaning thereby the very foundation of the present F.I.R. is itself not correct and in such circumstances there is a big question mark on the F.I.R. itself and therefore the petitioners are not liable for any alleged act and hence deserve to get enlarge on anticipatory bail.

Per contra, Mr. Shailendra Kumar Singh, learned counsel appearing for the Bihar State Food and Civil Supplies Corporation vehemently opposing the bail petition submitted that the SIT has done detailed enquiry and submitted supervision report and found several trucks numbers are mentioned in receipt of truck challan and found forged and those trucks were not valid trucks and registration number of other States and some of the registration numbers of Hona Car and motorcycle. It is further submitted that all allegations against the accused persons were found to be true. It is also submitted that the allegations levelled against the petitioners is serious in nature, hence they do not deserve anticipatory bail.



I have gone through the materials available on record including the case diary and found that the petitioners were hands in glove with the officials of B.S.F.C. and in a deep rooted conspiracy misappropriated the government money for their personal gain and without connivance with each other such a scam was not possible.

Considering the facts and circumstances of case and the materials available on record, I am not inclined to enlarge the petitioners on bail. The prayer for bail of the petitioners is hereby rejected. However, the petitioners are directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J.)

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