

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82139 of 2019

Arising Out of PS. Case No.-325 Year-2019 Thana- BIHIA District- Bhojpur

MASQOOR ALAM KHAN @ MASKUR ALAM KHAN, Son of Sri
Maqsood Alam Khan Resident of Village - Chorma, P.S.- Pakridayal, District
- East Champaran, Bihar

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Assistant Manager, State Food Corporation, Piro, Bhojpur, Bihar cum
informant Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prabhat Ranjan
For the Opposite Party/s	:	Mr. Parmeshwar Mehta
For the BSFC	:	Mr. Umesh Prasad

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

ORAL ORDER

11 25-04-2022 Heard the learned counsel for the petitioner and

the learned APP for the State.

The petitioner apprehends his arrest for the
offences alleged under Sections 409 and 420 of the Indian
Penal Code, registered in connection with Bihiya P. S. Case
No. 325 of 2019.

As per allegation, the petitioner was posted as
Assistant Manager, Supply Services for the receiving year
2014-15 and Godown Incharge of Godown A, B and C,
Amrai Nawada. He was posted there since 03.02.2015. As
per order of Hon'ble Lokayukta, the premises was to be



evicted and in this regard inventory was to be prepared. During the course of preparation of inventory, it was detected that 5331.31 quintals of foodgrains was found damaged, due to which the department sustained a loss of Rs. 1,63,35,139.96. Lastly, the allegation was made on the present petitioner to have mis-appropriated the amount.

The learned counsel for the petitioner has submitted that the inventory is said to be prepared on 22.02.2018, whereas the petitioner was transferred to some other place on 03.02.2016. He has also submitted that after his transfer, he was ready to hand-over the charge but no one came-forward for taking the charge as such he filed a writ petition bearing C.W.J.C. No. 19241 of 2016.

The learned counsel for the petitioner has further submitted that with similar allegation, another case has been lodged against the petitioner as Agion Bazar P. S. Case No. 109 of 2019 and considering all the aspects including the serious infirmities in failure of prosecution, the petitioner was granted anticipatory bail by a Co-ordinate Bench in Cr. Misc. No. 77983 of 2019 *vide* order dated 13.10.2020.



The learned counsel for the petitioner has also submitted that a Certificate Case against the petitioner for recovery of the amount is still pending and a departmental proceeding against him is also pending.

Per contra, the learned counsel for the BSFC has opposed the prayer for bail and submitted that a huge money was defalcated.

Considering the above facts and circumstances, especially that the petitioner was transferred to some other place two years prior to opening of the Godown and also considering the fact that in similar case he has been granted anticipatory bail by a Co-ordinate Bench of this Court, let the petitioner above-named, in the event of his arrest or surrender within a period of four weeks from the date of communication of this order, 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 learned Chief Judicial Magistrate, Bhojpur at Ara, in connection with Bihiya P. S. Case No. 325 of 2019, subject to the conditions as laid down under Section 438(2) Cr.P.C.



The application stands allowed, accordingly.

(Nawneet Kumar Pandey, J)

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