

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21560 of 2021**

Arising Out of PS. Case No.-40 Year-2020 Thana- CHARPOKHARI District- Bhojpur

RANJEET KUMAR JHA Son of Shri Jagatanand Jha Resident of Village-
Narar, P.S.- Kaluahi, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, State Food Corporation, Bhojpur. Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar, Adv.
For the Opposite Party/s	:	Mr. Ramchandra Sahni, APP.
For BSFC	:	Mr. Shailendra Kumar Singh, Adv.
		Mr. Utkarsha Utpal, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-02-2023 Heard the parties.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within four weeks.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 409, 420, 406, 409/34 of the Indian Penal Code.

Allegedly, petitioner is said to have involved in embezzlement of rice.

It is submitted by learned counsel for the petitioner is that the petitioner is quite innocent and has been falsely implicated in this case. No case as alleged by the prosecution did ever take place. It is further submitted that prior to joining as Assistant Manager SFC, Bhojpur, the petitioner was working as Supply



Inspector. He took charge of Garahani godown on 29.10.2014 and he received release order of 11848.66 quintal rice from District Manager SFC, Bhojpur and till 01.03.2015 only 4596.40 quintal of rice was taken away and remaining rice out of 11848.66 was not taken away and remained in the godown. The District Manager orally directed to release the rice received subsequently to the rice already lying in the godown. The transporter of the rice did not provide convenience for transporting the rice and so there was some hindrance in transportation of the rice. The District Manager issued another release order on 03.07.2015 and in compliance of the said order 6428.14 quintals of rice was released from 03.07.2015 to 31.01.2016. The deputation of petitioner in SFC was recalled and again posted in his parent Department, Food and Consumer Protection Department, Bihar on 30.06.2015. He was directed to hand over the charge to one Manoj Singh but Manoj Singh did not take charge from the petitioner. A letter annexed with the FIR shows that the petitioner has written several letters to the authorities requesting them to look into matter for safe storage and protection of the rice from insects and damage but nobody took care of his request and finally he wrote a letter to Chief Secretary of Bihar, Patna. Petitioner is not responsible for



the damage of rice and its quality because rice was not taken on time and charge was not taken from the petitioner. Petitioner has no criminal antecedent.

Per contra, learned APP for the State as well as learned counsel for BSFC vehemently opposing the bail petition submitted that there is specific allegation of embezzlement of rice which is demonstrable from the report of the Screening Committee.

Considering the facts and circumstances of case and the nature of accusations including the evidence on the record, as there is huge shortfall of CMR from the godown during the period when the petitioner was its in charge as disclosed in the screening report and other recommendations contained in the said report, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

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