

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23279 of 2023

Arising Out of PS. Case No.-104 Year-2018 Thana- ADAPUR District- East Champaran

BIPIN KUMAR SINGH S/O SRI BEJELAL SINGH Resident of Village-
Rashidpur, P.O. Khanpur (Mall), P.S.- Bath, District- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bipin Bihari Singh, Advocate
For the Opposite Party/s	:	Mr. Rabindra Kumar, A.P.P.
For the BSFC	:	Mr. Shailendra Kumar Singh, Advocate
	:	Ms. Usha Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 16-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 409, 420
and 34 of the Indian Penal Code.
3. The informant alleges that godown of BSFC (Bihar
State Food Corporation), Adapur was inquired by the Deputy
Chief Vigilance Office of the Corporation on 05.02.2017, and it
was found that petitioner along with Neeraj misappropriated
2330.07.599 quintals of food grains amounting to Rs.
69,16,759.77/-, it is next alleged that petitioner at the relevant
time was the Assistant Manager of the godown.
4. Learned counsel for the petitioner submits that the



petitioner is a person with clean antecedent and is aged about 63 years and has retired from service, it is next submitted that petitioner has been falsely implicated in the present case, it is also submitted that from perusal of the allegation as alleged in the FIR it would manifest that the date of inquiry is 5.02.2017 and the FIR came to be instituted after a delay of more than a year on 09.05.2018 without any plausible explanation, it is next submitted that petitioner also retired on 31.08.2018 i.e., three months after institution of the FIR, it is next submitted that if what has been alleged in the FIR is true then the petitioner ought to have been dealt administratively, it is next submitted that no show-cause was issued to the petitioner prior to his retirement before instituting the FIR or else the petitioner would have submitted his explanation.

5. Learned A.P.P. Mr. Rabindra Kumar for the State and learned counsel for the BSFC Mr. Shailendra Kumar Singh opposed the prayer for anticipatory bail of the petitioner but are not in a position to rebut the submission of the learned counsel for the petitioner that there is a delay of more than a year instituting the FIR from the date of inquiry.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the



event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Adapur P.S. Case No. 104 of 2018 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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