

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.52400 of 2021**

Arising Out of PS. Case No.-325 Year-2020 Thana- DANAPUR District- Patna

AKHIL KISHORE PRASAD SINGH Son of Late Ram Bachan Singh  
Resident of Adarsh Vihar Colony, Rukanpura, P.S.- Rupaspur, District - Patna  
... .. Petitioner/s

Versus

1. The State of Bihar
2. Vinod Kumar Pankaj Son of Ashok Kumar Pankaj R/o- Rukanpura, P.S.-  
Rupaspur, District - Patna, At present - Manager, Bihar State Food and Civil  
Supplies Corporation Ltd., Patna

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.

Mrs. Vaishnavi Singh, Adv.

For the Opposite Party/s : Mr. Dilip Kr. No.1, APP.

For BSFC : Mr. Shailendra Kr. Singh, Adv.

Mr. Utkarsha Utpal, Adv.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

16    16-02-2023                      Heard the parties.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 406, 409, 419, 420 of the Indian Penal Code.

The prosecution story in short is that in the presence of the magistrate, deputed by the Sub-divisional Officer, physical verification of the go-down was done in which deficit surfaced in the stock. It has been further alleged that 807.28.659 quintals of wheat at the rate of 2505.67 and 4349.02.702 quintals of rice at the rate of 3601.91, totalling to the amount of 1,76,87,598.00 has been defalcated by the petitioner for his personal benefit.

It is submitted by learned counsel for the petitioner that



petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case with ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that petitioner worked as Assistant Manager, Danapur T.P.D.S. Godown, Bihar State Food Corporation on contractual basis and he was firstly appointed on contractual basis for 11 months from 18.01.2018 and 17.12.2018 and thereafter his contract was renewed for 11 months from 17.12.2018 to 19.11.2019. Thereafter the contract of the petitioner was not renewed any further and the petitioner was given his last remuneration on 12.11.2019 to the tune of Rs. 72,334 only. He further submits that during the contractual tenure of the petitioner, physical verification of the godown was done on several occasions and no irregularity was found. On 19.11.2019 when the contractual obligation of the petitioner had come to an end, and he was not granted any extension in contract of his contractual engagement, which is to be renewed prior to expiration of the existing contract, physical verification of the concerned godown took place and thereafter, accordingly, on the same day, i.e. on 19.11.2019, the petitioner handed over his charge to one Rajesh. He further submits that aforesaid



physical verification dated 19.11.2019 after the contractual obligation of the petitioner as the Assistant Manager, Danapur T.P.D.S. Godown, Bihar State Food Corporation, ended, perfect match with the stock register was found and thus no irregularity was found and on the said physical verification request, Vinod Kumar Thakur, the then Additional District Manager and petitioner put their signatures. Thus, it will be evident from the above-stated facts that no irregularity or defalcation was found during the contractual obligation of the petitioner. After the contractual obligation of the petitioner ended, one Rajesh, took over as In-charge Assistant Manager and on the date of the alleged physical verification on 06.02.2020 in which it has been alleged that the alleged defalcation was found, the said Rajesh was In-charge Assistant Manager, T.D.P.S. Go-down, Danapur which will be evident from the physical verification report dated 06.02.2020, which is part of Annexure-1, on which the said Rajesh has put his signature as the In-charge Assistant Manager. He further submits that in order to save Rajesh, In-charge Assistant Manager, T.D.P.S. Godown, Danapur, the petitioner has been falsely implication in the present case by the then District Manager, State Food Corporation, namely, Vinod Kumar Thakur. Learned counsel for the petitioner further



submits that the FIR was lodged after 8 months of the contractual obligation of the petitioner ended. Similarly situated co-accused have been granted anticipatory bail, not in this case, by the Co-ordinate Bench of this Court. Petitioner has two criminal antecedents as mentioned in para-3 of this application.

Learned APP for the State as well as learned counsel for BSFC opposed the prayer for bail and submitted that during physical verification, the shortfall was found with the stock register and a huge amount of Rs. 1,76,87,598/- was defalcated by the petitioner. The petitioner was posted as Assistant Manager, SFC, TDPS Godown on contractual basis from 18.01.2018 to 17.12.2018 and 17.12.2018 to 19.11.2019. After completion of contract period, District Manager, SFC, Patna has further recommended for extension of contract to petitioner. That time the petitioner was working on the post of AGM, TDPS, Danapur, Patna. The Managing Director, BSFC has issued show cause vide Memo No. 287 dated 09.01.2020 to petitioner and alleged that the petitioner is not working properly and directed to submit show cause within three days. But the petitioner has neither appeared nor filed reply then the Managing Director, BSFC has not extended the contract of petitioner and removed on the date of order vide Memo No. 776



dated 21.01.2020. He further submits that the petitioner has been working till the aforesaid order dated 21.01.2020 and the petitioner has received and handed over food grain with signature in Stock Register and inward register up to 31.12.2019 and further act on same and mentioned of penalty in stock register & inward register for the public food grain received and handed over, but signature is not done after 31.12.2019. Stock register and inward register has been produced before the Court. Learned counsel for the BSFC further submits that petitioner is liable to pay Rs. 1,76,87,598/- to department in the light of Hon'ble Apex Court & order dated 28.02.2017 passed in S.L.P. (Cr.) No. 1779/2016.

Having regard to the facts and circumstances of the case and considering the nature of the offence, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

**(Anjani Kumar Sharan, J)**

divyanshi/-

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