

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9694 of 2024

Arising Out of PS. Case No.-86 Year-2019 Thana- GAUNAHA District- West Champaran

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Ravi Kumar Son of Late Siya Ram Singh, the then Assistant Godown Manager of Gaunaha T.P.D.S. Resident of Village and P.O.-Sokhara, P.S.-Barauni, Distt.-Begusarai, Present resident of Near Singh Sadan, S.D.O. Road, Hajipur, Distt.-Vaishali ... Petitioner

Versus

1. The State of Bihar
2. The State Food Corporation, Bihar At Patna. Bihar ... Opposite Parties

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Appearance :

For the Petitioner	:	Mr.Amarendra Nath Verma, Advocate
For the State	:	Mr.Parmeshwar Mehta, A.P.P.
For the SFC	:	Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 11 19-08-2024 Heard learned counsel for the petitioner and the State.
2. The petitioner apprehends arrest in a case registered for the offence punishable under sections 420, 406 and 409 of the Indian Penal Code.
3. As per the prosecution case, petitioner, being the then Block Agricultural Officer-cum-Incharge Assistant Manager, Gaunaha, TPDS Godown was posted from April, 2015 to October, 2017. During relieving the charge, he submitted charge to Dhananjay Kumar, but differences were found in between closing balance of September, 17 and opening balance of October, 17 in perforated sheet by the concerned Office. For this, an explanation letter was issued by the concerned Office vide letter no. 355 dated 30.03.19. Finding the explanation to be unsatisfactory and vague, petitioner was directed to submit an



explanation with complete evidence and was also directed to deposit the difference amount. Petitioner neither provided the complete evidence nor deposited the difference amount giving rise to lodging of the instant case for embezzlement of Rs. 1, 25, 91, 094/- (One crore twenty five lakhs ninety one thousand ninety four rupees).

4. Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case on the basis of suspicion. It is apparent from perusal of the FIR, that petitioner handed over the charge of T.P.D.S. godown Gaunahaan on 24.11.2016 to Dhananjay Kumar A.J.M., T.P.D.S. Gaunahal. Besides this, petitioner worked as a Block Agricultural Officer of Gaunaha and Narkatiyaganj block and he is no way concerned with the T.P.D.S. godown. It is also submitted that for the same allegation, departmental proceeding was also initiated and the conducting officer exonerated the petitioner vide report dated 8.8.2023 (annexure P/4). Suspension of petitioner was revoked and he is presently posted at Hajipur. Petitioner claims clean antecedent.

5. Learned counsel for the State as well as opposite party no.2 oppose the prayer for bail. It is submitted by learned



counsel for opposite party no.2 that the petitioner is alleged to have defalcated public food grains amounting to Rs.1, 25, 91,094/-. Petitioner was posted as Assistant Godown Manager, TPDS, SFC godown Gonaha from April 2015 to October 2017. As per stocks registrar and ward registrar, petitioner received and delivered public food grain i.e. wheat and Rice on different District Yojana and after enquiry, shortage of 4172.45.495 quintal of public food grain has been detected.

6. Considering the fact that the petitioner has been exonerated from the aforesaid allegation in the departmental proceedings, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within six weeks from today, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bettiah in Gaunaha Police Station Case No. 86 of 2019, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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