

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No. 2672 of 2020

Ramdev Kushwaha	...	Petitioner
	Versus	
The State of Jharkhand	...	Opposite Party

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner	:	Mr. Binit Chandra, Advocate
For the State	:	Mr. Rajesh Kumar, Addl. P.P.
For the Informant	:	Mr. Arun Kr. Pandey, Advocate

Order No.02 Dated- 11.09.2020

Heard the parties through video conferencing.

Learned counsel for the petitioner personally undertakes to remove the defects as pointed out by the stamp reporter within two weeks after the lockdown period is over.

In view of the personal undertaking of the learned counsel for the petitioner, the defects pointed out by the stamp reporter are ignored for the present.

Apprehending his arrest, the petitioner has moved this Court for grant of privilege of anticipatory bail in connection with Patratu (Bhadaninagar) P.S. Case No.214 of 2019 registered under sections 406/420/34 of the Indian Penal Code.

The Learned counsel for the petitioner submits that earlier the anticipatory bail application was withdrawn by the petitioner. It is further submitted that the allegation against the petitioner is that the petitioner being the director of Chikor Pax defalcated 173.43 quintal of paddy purchased by Chikor Pax. It is, further, submitted that the allegation against the petitioner are all false and though Chikor Pax has handed over 300 bags of rice weighing 17343 kg to the authorized transporter but the same has not been received. It is next submitted that though 300 bags of paddy was handed over but because of printing error in paragraph no.11 of the petition, 300 bags of rice has been mentioned. It is next submitted that the transporter has not delivered the rice to the rice mill and the petitioner immediately informed the same to the

District Supply Officer, Ramgarh. It is also submitted that the villagers testified that the transporter has lifted the rice from the godown and the fact that the rice has been received by the transporter is also prima facie appeared to be true from the report of the Block Supply Officer, Patratu. Hence, it is submitted that the petitioner be given the privilege of anticipatory bail.

Learned Addl. P.P. on the other hand vehemently opposes the prayer for grant of anticipatory bail and submitted that keeping in view the serious nature of allegation against the petitioner of having committed misappropriation of huge amount of paddy, the custodial interrogation of the petitioner is required during the investigation of the case for recovery of the said misappropriated paddy. It is also submitted that though the petitioner has also committed forgery but in the FIR, the same has not been specifically mentioned. Hence, it is submitted that the petitioner ought not to be given the privilege of anticipatory bail.

Considering the serious nature of allegation against the petitioner of misappropriating huge amount of paddy and the requirement of his custodial interrogation during the investigation of the case, this Court is of the considered view that this is not a fit case where the petitioner be given the privilege of anticipatory bail. Accordingly, his prayer for anticipatory bail is rejected.

(Anil Kumar Choudhary, J.)