

Court of Addl. Sessions Judge -II , Aurangabad

A.B.P No. 553/2026

Deo PS case no. 40/18

(Kameshwar Prasad Singh v/s State of Bihar)

Counsel for the petitioner – Shree Ram Dular Mishr (Advocate).

Counsel for the State – Shree Anil Kumar-II (A.P.P).

Present – Anindita Singh

Addl. Sessions Judge II

Aurangabad

7.4.26 - An application for anticipatory bail filed on behalf of accused petitioner Kameshwar Prasad Singh who is apprehending his arrest in connection with Deo PS case no. 40/18 lodged u/s 406,420,409 IPC in which he is non named accused in FIR accused, has been pressed today for hearing .

Heard Ld. counsel for the petitioner as well as Ld. APP.

It has been submitted by the Ld. Counsel on behalf of the accused petitioner that the petitioner is innocent and has committed no offence as alleged in the FIR. The petitioner is the actual informant of the case and has been falsely implicated in the case after six years of lodging of the case that too after his retirement from the post of District Manager , BSFC .The petitioner is being victimized for blowing the whistle on the scam. He had provided all the relevant papers regarding the misappropriation of CMR to the Investigating officer , but without any cogent evidence against the petitioner, he has been made accused in the present case and warrant has been issued against him. The petitioner is also an old person and is patient to sugar and BP. Petitioner is accused in one other Town PS case no. 239/2018 u/s 420,409 IPC but in that case he is on bail. Moreover , the service provider /the owner of godown has already been allowed anticipatory bail by the Hon'ble Patna High court. Accordingly, prayer has been made to enlarge the petitioner on bail .

The Ld. APP opposed the prayer of bail with vehemence pointing out that the investigation has unearthed 'link evidence ' suggesting that the applicant provided a safe passage for misappropriation of CMR stock. Crucially ,it has also been highlighted that the applicant has been evading the process of law leading to to the issuance and physical affixation of a proclamation under section 82 CR. P. C (section 84 BNSS) at his residence and prayed to reject the petition of the accused petitioner.

Having heard the rival submissions of the Ld. Counsels ,perused the record as well as the case diary which has already been received in his court in total 239 Paragraphs till 18.2.26 .Present petitioner is not named accused in the FIR . Interestingly ,the present applicant is the original informant of the case who has given a typed report in the capacity of District Manager ,BSFC, Aurangabad against the godown owner and the Assistant Manager with allegation of Misappropriation of total 17073 quintal CMR kept in the rented godown of one Hitesh Kumar resulting heavy economic loss to the BSFC. Case diary shows that at the relevant time of the alleged scam/misappropriation petitioner was in the post of District manager, BSFC, Aurangabad. During investigation as revealed in para no 13,55,64,68,72 of the case diary a deep rooted conspiracy has been found in the scam regarding not taking immediate and proper action on the report of BDO, Deo, reporting wrong quantity of misappropriation of CMR, not conducting any inspection at the relevant time ,making entry of wrong Truck Challan on the part of the present petitioner with the godown owner and Assistant manager in the capacity of District Managar, BSFC facilitating

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the siphoning of government stock for private gain . Investigation of the case is still going on .Further , para no 236 of the case diary also shows that process under section 82 Cr. P. C. (84 BNSS) has already been issued and duly affixed at the petitioner's house.

Considering all the facts and circumstances of the case as well as nature of allegation coupled with the fact that process u/s 82 Cr. P C (84 BNSS) has already been issued against the petitioner, I do not consider it a fit case for giving the privilege of pre -arrest bail to the accused petitioner. Accordingly, bail petition of accused petitioner above named is hereby rejected and he is directed to surrender in the Ld. Jurisdictional court and pray for regular bail .

Sd/-

Anindita Singh

Addl. Sessions Judge II

CIVIL COURT AURANGABAD