

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27099 of 2015

Arising Out of PS.Case No. -286 Year- 2015 Thana -SAHARSA District- SAHARSA

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1. Anil Choudhary son of Sri Kameshwar Prasad Choudhary Resident of Village/Mohalla - Bhartiya Nagar, Ward No. 27, P.S. - Sadar (Saharsa), District - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.
2. District Manager, Bihar State Food Corporation, Saharsa.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Thakur
Mr. Md.Imteyaz Ahmad
Mr. Krishna Chandra
For the Opposite Party/s : Mr. R.S. Pradhan, Sr. Advocate
Mr. Shailendra Kumar Singh
Mr. Arun Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

3 02-07-2015 Heard Mr. Ajay Thakur for the petitioner and Mr. Pradhan for the opposite party.

Petitioner is the Rice Mill owner who was supplied paddy for milling by the Bihar State Food and Civil Supplies Corporation Ltd. The petitioner was required to mill and supply the CMR at the agreed rate to F.C.I.

The allegation is that the paddy was supplied but less amount of CMR was/were supplied to the Food Corporation of India. In such manner, the petitioner misappropriated a sum of Rs. 1,80,09,712/-.

Diverse submissions have been made with reference to



the agreement which was entered between the Bihar State Food and Civil Supplies Corporation Ltd and the Rice Millers. It has been stated that on payment of certain percentage of the amount which is said to have been misappropriated, diverse orders granting anticipatory bail have been passed by this Court. Diverse orders have also been produced by both the parties in order to demonstrate that privilege of anticipatory bail has been granted to several accused facing identical/similar allegations.

Counsel for the opposite party has not disputed the aforesaid contention of Mr. Thakur. It has been stated by Mr. Pradhan that the amount which this Court will direct should be paid to the Managing Director of the Bihar State Food and Civil Supplies Corporation Ltd, Patna.

Considering the facts and circumstances of the case, in the event of arrest or surrender in the Court below within four weeks, the petitioner abovenamed is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in Saharsa Sadar P.S. Case No. 286 of 2015 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

(iii) Along with the bail bonds, the petitioner shall deposit demand draft favouring Bihar State Food and Civil Supplies Corporation Ltd. in the sum of 25 % of the amount which is said to have been misappropriated by the petitioner as per the F.I.R.

It is made clear that such deposit if made by the petitioner shall be without prejudice to his right and defence of the parties and abide by the final outcome of the proceeding.

(Kishore Kumar Mandal, J)

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