

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43544 of 2015

Arising Out of PS.Case No. -123 Year- 2015 Thana -NAWANGAR District- BUXAR

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Ram Niwash Ram @ Ram Niwas Ram S/o Ram Bachan Ram resident of
Village- Jaishree ,P.S. Godari, District Rohtas at present posted as Block
Agriculture Officer, Sampat Chack, District Patna.

.... Petitioner

Versus

1. The State of Bihar.
2. The Bihar State Food and Civil Supply Corporation ltd Patna through its
Managing Director.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bikramdeo Singh, Adv.
: Mr. Murari Prasad Sinha, Adv.
For the BSFC : Mr. Shailendra Kumar Singh, Adv.
For the Opposite Party/s : Ms. Renu Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

5 18-12-2015 Heard both sides.

The petitioner apprehends his arrest in Nawanagar
P.S. Case No. 123/2015, registered for the offences punishable
under Sections 406, 409, 420 of the Indian Penal Code.

The allegation against the petitioner is that the
petitioner purchased 6118.50 quintal of wheat in the procurement
year of 2012-2013, but the petitioner did not deliver the wheat to
the godown of FCI. 2000 quintal of wheat was auctioned by a
committee headed by District Manager. Still 4118.50 quintal of
wheat remained missing and the petitioner is alleged to have
misappropriated the said amount of worth Rs. 58,73,145.74.

Learned counsel for the petitioner submits that the petitioner wrote several letters that some amount of wheat are theft from the godown and some amount are soiled. It was requested to lift it, but no action was taken.

It is submitted that 2000 quintal wheat is lying in the godown of Dhanwanti Devi. It is further submitted that 837 quintal of wheat was also lifted from the godown of Jagdish Chaudhary. Further, it is submitted that the petitioner is ready to give accounts of the entire stocks and also ready to deposit Rs. 24 lacs out of Rs. 58,73,145.74 within four months. If the authority shall not be satisfied to the accounting of the petitioner, the petitioner shall also deposit the entire amount within next six months.

Sri Shailendr Kumar Singh, learned counsel for the BSFC submits that if the petitioner is ready to deposit the entire amount, the BSFC has got no objection.

Considering the facts aforesaid, the petitioner above named in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to 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 learned Chief Judicial Magistrate, Buxar in connection with Nawanagar P.S. Case No. 123/2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

If the petitioner fails to deposit Rs. 24 lacs of the aforesaid amount within four months from today and thereafter remaining amount, if the authority is not satisfied with the accounting of the petitioner with regard to 4118.50 quintal of wheat within six months thereafter, the bail bond of the petitioner shall be cancelled.

(Prabhat Kumar Jha, J.)

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