

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30844 of 2015

Arising Out of PS.Case No. -11 Year- 2015 Thana -SINGHIYA District- SAMASTIPUR

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Ram Nandan Mandal Son of Late Sukhdev Mandal resident of village -
Katghara, P.S. Hathori, District - Samastipur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md.Imteyaz Ahmad

For the Opposite Party/s : Mr. Sanjay Kumar Sharma (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 14-08-2015 Heard learned counsel for the petitioner, BSFC and
learned counsel for the State.

The petitioner apprehends his arrest in connection
with Singhiya P.S. Case No. 11 of 2015 registered for the
offences punishable under Section 409 of the Indian Penal
Code.

Learned counsel for the petitioner submits that the
petitioner being Panchayat Sewak is alleged to have
misappropriated paddy to the tune of Rs. 56,36,435.76/- only
and for which he is facing the present proceeding. It is further
submitted that the amount, mentioned in the FIR, is wholly
misconceived as earlier for the same transaction, a certificate
proceeding has been drawn up against him bearing Certificate
Case No. 8 of 2013-14 in which, the loss has been assessed to
the tune of only Rs. 28,64,914.36/- It is further submitted that
earlier whatever transactions were made by the Bihar State

Food Supply Corporation was directly between themselves and the PACS and the said amount of paddy did not pass through his hands, at all, and therefore, he cannot be held responsible for any lapse for that transaction.

Learned counsel for the BSFC, however, submits that in pursuance of the earlier demand the petitioner had deposited Rs. 12 lacs and the petitioner cannot resile from the earlier transaction.

Considering the aforesaid submissions and the facts and figures of the amount of alleged transaction is disputed by the parties and also the fact the petitioner is facing certificate proceeding, let the petitioner above named, in the event of his arrest or surrender before the Court below within a period of three weeks from the date of receipt/production of a copy of this order, 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 the Sub Divisional Judicial Magistrate, Rosera, Samastipur in connection with Singhiya P.S. Case No. 11 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Anjana Mishra, J)

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