

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.256 of 2015

Arising out of PS.Case No. -36 Year- 2014 Thana -SAUR BAZAR District- SAHARSA

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Mahakant Prasad Raman, Son of Late Shiv Narayan Yadav, resident of Village - Gadhiya, P.S. and District - Madhepura, at present Block Panchayat Raj Officer-cum-Incharge of Purchase Centre, Patarghat, P.S. Sour Bazar, District - Saharsa.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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with

Criminal Miscellaneous No.5697 of 2015

Arising out of PS.Case No. -36 Year- 2014 Thana -SAUR BAZAR District- SAHARSA

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Kumar Gaurab, Son of Bimal Kumar Jha, resident of Mohalla - Gulzarbagh, Ward No. 20, P.S. & District - Madhepura. At relevant point of time, working & posted as Executive Assistant (Purchase), Patarghat, P.S. - Sourbazar (Patarghat O.P.), District - Saharsa.

.... Petitioner

Versus

1. The State of Bihar.
2. The Bihar State Food Corporation Nigam.

.... Opposite Parties.

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Appearance :

(In Cr.Misc. No.256 of 2015)

For the Petitioner : Mr. Praveen Kumar Agrawal, Advocate.

For the Opposite Party : Mr. Gopesh Kumar (App)

(In Cr.Misc. No.5697 of 2015)

For the Petitioner : Mr. Rajesh Kumar Jha, Advocate.

For the Opposite Party : Mr. Nityanand Tiwary(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

6 20-05-2015 Since both cases arise out of same P.S. Case No. hence,

a common order is being passed.

On call, learned counsel for the petitioner of Cr. Misc.

No. 256 of 2015 Mahakant Prasad Raman is present. However,

learned counsel for the petitioner of Cr. Misc. No. 5697 of 2015

Kumar Gaurab is not present in the Court. Hence, the application of the petitioner Kumar Gaurab vide Cr. Misc. No. 5697 of 2015 is passed over and the application of petitioner Mahakant Prasad Raman vide Cr. Misc. No. 256 of 2015 is being taken up.

The petitioner is apprehending his arrest in connection with Sour Bazar P.S. Case No. 36 of 2014 for the offences instituted under Sections 406, 409, 420, 467, 468 and 471 of the Indian Penal Code.

Heard learned counsel for the petitioner and the State.

The prosecution story, in brief, is that the informant Md. Jahangir Alam, Senior Deputy Collector-cum-Incharge District Manager, submitted a written report through Letter No. 80 dated 10.01.2014 to the S.H.O., Patarghat, District-Saharsa, mentioning therein that to institute a case against the petitioner in compliance of Letter No. 1014(confidential) dated 29.12.2013 of District Magistrate, Saharsa, and Letter No. 8800/2012 dated 02.11.2013 and Letter No. 125 dated 04.01.2014 of Up-Pramukh, Vigilance, Bihar State Food Corporation, Patna. The petitioner was authorized alongwith Sri Gaurav Kumar, Executive Assistant of Purchase Centre, Patarghat for purchasing paddy in Block-Patarghat for the year 2012-13 by the District Magistrate, Saharsa, vide Letter No. 665-2 dated 05.12.2012 in compliance of the order of the aforesaid authority. The petitioner purchased 24764.118 quintals of paddy from farmers and PACS. Co-accused petitioner



has supplied 12763.63 quintals paddy to different rice mills and remaining 12000.55 quintals paddy remained at the purchasing centre which have been damaged due to rainy water, since the paddy was keep in the open sky. After verification of the aforesaid kept paddy under the open sky, verification report through letter no.1365 dated 22.10.2013 was sent to the District Magistrate, Saharsa and to the Managing Director of Bihar State Food Corporation, Patna. Thereafter, on 23.10.2013, the D.M., Saharsa, had made spot inquiry in presence of all authorized persons, damaged paddy of 12000 quintals has been found and thereafter through letter no. 1676 dated 20.12.2013, final inquiry report has been submitted to the D.M., Saharsa, and the copy of the inquiry report was also sent to the Managing Director, Bihar State Food Corporation, Patna, as well as to the Special Officer of Confidential Branch, Saharsa and Up-Mukhiya, Vigilance, Bihar State Food Corporation, Patna. After physical verification of aforesaid purchased paddy 3368.95 quintals damaged paddy was only available. It is further alleged that 8631.60 quintals paddy was misappropriated. The value of damaged paddy including the bags was amounting Rs. 45,95,271/- and 8,631.60 quintals of disappeared paddy including the bags worth of Rs. 1,16,18,104/-. In course of verification of old bags in up-lifting of damaged paddy bags Rs. 3,18,320/- was spent as expenditure, as such there has been loss of the Government amounting Rs. 1,65,31,695/- due



to misappropriation and damage of paddy. The informant reported for further action to the D.M., Saharsa, through letter no.1716 dated 28.12.2013. In the light of aforesaid letter through letter no. 3014/Ga dated 29.12.2013, the informant was directed to take legal action against the responsible employees. The Up-Pramukh, Vigilance, Bihar State Food Corporation, Patna, through its letter no. 125 dated 04.01.2014 has directed to the informant to ask explanation from Sri Gaurav Kumar. Sri Gaurav Kumar has not given explanation within stipulated time. The explanation was also asked from Sri Mahakant Prasad Raman(petitioner) who has not furnished explanation, as such, F.I.R. may be instituted regarding the causing damage and misappropriation of purchased paddy which amounts to Rs. 1,65,31,695/-.

It has been submitted on behalf of the petitioner that the petitioner is the Panchayat Raj Officer. It has further been submitted that the petitioner has falsely been implicated in the present case as to when no such defalcation has been made on his behalf. It has further been submitted that the petitioner is ready to deposit amount Rs. 2,50,000/- in the court below which shall be subject to final disposal of the case.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R. and there is defalcation of a huge amount.

Considering the fact that the petitioner is ready to deposit

amount of Rs. 2,50,000/- within a period of two months from today in the court below which shall be subject to final disposal of the present case, let the petitioner Mahakant Prasad Raman, be released on bail in the event of his arrest or surrender before the learned court below within a period of ten weeks from today in connection with Sour Bazar P.S. Case No. 36 of 2014 on furnishing bail bond of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Saharsa, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The learned court below shall accept the bail bond of the petitioner on deposit of the aforesaid amount of Rs. 2,50,000/-.

U.K./-

(Sudhir Singh, J)

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