

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31127 of 2016

Arising Out of PS.Case No. -50 Year- 2016 Thana -DUMRA District- SITAMARHI

Shiv Kumar Thakur son of Sri Bhikhari Thakur resident of
Village- and P.O. Mahinam , P.S. Bahera, District Darbhanga
.... Petitioner

Versus

1. 1.The State of Bihar
2. District Manager, Bihar State Food Corporation, Sitamarhi
.... Opposite Parties

Appearance :

For the Petitioner	:	Mr. Ajay Kumar Thakur, Advocate Mr. Amit Kumar, Advocate
For the State	:	Mr. Raj Ballabh Singh, APP
For the Opposite Party	:	Mr. Mayank Shekhar, Advocate

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
ORAL ORDER

4. 04-10-2016

The petitioner apprehends his arrest in relation to Dumra P.S. Case No. 50 of 2016 registered under Sections 406, 409, 420, 427 of the Indian Penal Code.

In this case Bihar State Food Corporation, Sitamarhi, who is the informant, had been noticed and a counter affidavit has been filed.

So far as petitioner is concerned, the allegation against him is that, he was the Block Cooperative Extension Officer and had been appointed as Supervisor of the purchase centre for paddy for the year 2013-14. Substantial amount of paddy had been

purchased, but all paddy had not been dispatched to the millers for milling. A balance of about 1932 quintals of paddy was, then, misappropriated by the petitioner amounting to about Rs. 31 Lacs.

Sri Ajay Kumar Thakur, learned counsel for the petitioner, submits that it is not within the authority nor the responsibility of the petitioner to send paddy for milling. It is upon Store Issue Order (in short "S.I.O."). S.I.Os. issued by its Manager that paddy has to be allowed to be lifted by millers. Petitioner had been asking for S.I.Os. to be issued, but they were not. In the meantime, the entire block had got flooded in which there are contemporaneous documents and communications not only of the petitioner, but other higher district officials, who had also paddy granted, in which, most of the remaining paddy, for which S.I.Os. were not issued for destroying. Even thereafter, what was lifted was not allowed to be distributed. When questions were asked, to save himself, the District Manager, Sitamarhi, lodged the present case.

In the counter affidavit, all that has been said is, S.I.Os. were issued from time to time. Nowhere



in the statement that for the full quantity of paddy purchased, S.I.Os. had been issued, but not allowed to be used by the petitioner. Thus, it shows that virtually the Manager himself is liable for negligence leading to loss of paddy.

Be that as it may, in the event of his arrest/surrender before the court below within four weeks, let the above named petitioner, namely, Shiv Kumar Thakur, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Sitamarhi, in connection with Dumra P.S. Case No. 50 of 2016, subject to condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Navaniti Prasad Singh, J.)

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