

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17332 of 2016

Arising Out of PS.Case No. -6 Year- 2016 Thana -DINARA District- SASARAM (ROHTAS)

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Daya Shanker Singh, Son of Late Banke Bihari Singh, Resident of Village-
Baradhi, P.S.- Dinara, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, The Bihar State Food Corporation, Rohtas at
Sasaram.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Rajani Kant Singh, Advocate.

For the Opposite Party/s : Mr. Mukesh Kr. Singh, A.P.P.

For the O.P. No. 2(BSFC) : Mr. Shailendra Kumar Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 18-07-2016 Heard learned counsel for the petitioner, learned
A.P.P. and learned counsel appearing for the B.S.F.C.

The petitioner apprehends his arrest in Dinara P.S.
Case No. 06/2016 registered under Sections 406, 407, 408, 409,
419, 420, 467, 468, 120B, 34 of the Indian Penal Code.

The gist of allegation is that the petitioner, on the
basis of the enforcement order, had to purchase 967 quintals and
762.75 quintals of paddy in Lilwachcha PACKS but the petitioner
purchased 1028 quintals and 788 quintals of paddy from different
farmers. It is submitted that the petitioner has no role in issuance
of enforcement order. The enforcement order is issued by the
Circle Officer and the Revenue Karamchari. The petitioner is the
Chairman of Lilwachcha PACKS. There is no allegation of
defalcation or misappropriation against the petitioner with respect

to any paddy amount.

On the other hand, Sri Shailendra Kumar Singh, learned counsel appearing on behalf of the B.S.F.C., has submitted that the petitioner, in collusion with other officials, made interpolations in the enforcement order and purchased excess paddy from the farmers of Lilwachcha PACKS and, that is why, the government could not be able to purchase paddy from the petitioner.

Considering the facts that the enforcement order was issued by the Circle Officer, on the basis of which, the petitioner purchased 1028 and 788 quintals of paddy but it is said that the petitioner purchased 87 quintals of paddy in excess though there is no allegation of misappropriation or defalcation against the petitioner, the above named petitioner is directed, in the event of his arrest or surrender, 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 Sri Rajiv Kumar, Judicial Magistrate, 1st Class, Bikramganj, District Rohtas in Dinara P.S. Case No. 06/2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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