

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16402 of 2016

Arising Out of PS.Case No. -35 Year- 2016 Thana -RAJPUR District- BUXAR

=====

1. Ravi Kumar Rajnish Son of Rashik Lal Rai Resident of Village -
Khapura, P.S.- Bidupur, District - Vaishali at Present posted as Junior
Engineer Flood Control Pramandal Buxar cum centre purchasing officer
Rajpur, Bharakhra

.... Petitioner/s

Versus

1. The State of Bihar
2. Bihar State Food Corporation Ltd., through its District Manager, Buxar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate
For the BSFC : Mr. Aditya. P. Sahay, Advocate

=====

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**
ORAL ORDER

4 04-07-2016 Heard both sides.

The petitioner apprehends his arrest in a case under
Section 420, 406, 409 of the Indian Penal Code.

The petitioner was Incharge, Paddy Purchase Centre,
Rajpur, Bharkhara and he purchased 39264 quintals of paddy. The
petitioner supplied 33390 quintals of paddy to different millers but
did not supply 5874 quintals of paddy. The remaining paddy was
auctioned but it was found that only 5240 quintals of paddy was
auctioned at the rate of Rs. 425 per quintal and there was shortage
of 634 quintals of paddy. The informant further alleged that
quality of 5874 quintals of paddy was deteriorating due to

negligence of the petitioner as the petitioner neither supplied the paddy to the miller nor auctioned the same in pursuance of letter No. 3992 dated 08.04.2015 and thereby the petitioner caused a loss of Rs. 62,95,734/- to the BSFC.

The learned counsel for the petitioner submits that the petitioner supplied 33390 quintals of paddy to different millers and 5874 quintals of paddy remained in the godown. Since no miller took the paddy the petitioner informed the authority concerned for lifting the aforesaid paddy but the same remained for long period in dilapidated godown and quality of paddy deteriorated.

On the other hand the learned counsel for the BSFC submits that due to negligence of the petitioner the BSFC incurred loss of Rs. 62,95,734/- and there was shortage of 634 quintals of paddy and 5240 quintals of paddy was auctioned at the rate of Rs. 425 per quintal although the petitioner submits that he is not responsible for non lifting of paddy.

Considering that there was shortage of 634 quintals of paddy, cost of which comes to Rs. about 10,00000/-, the petitioner is directed to deposit Rs. 10,00000/- within one month from the date of receipt of this order.

Considering the facts aforesaid and the nature of allegations made against the petitioner, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of six 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 the learned Additional Chief Judicial Magistrate-VII, Buxar in Rajpur P.S. Case No. 35 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The authorities may take action against the petitioner for his negligence causing loss to the BSFC.

(Prabhat Kumar Jha, J)

BKS/-

U		T	
---	--	---	--