

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17170 of 2016

Arising Out of PS.Case No. -229 Year- 2015 Thana -SIMRI District- BUXAR

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1. Virendra Kumar @ Virendra Kumar Singh Son of late Chandradeo Singh
Resident of Village- Bhawraha, PS Nokha, District Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Bihar State Food & Civil Supplies Corporation through its District
Manager, Buxar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh, Adv.

For the BSFC : Mr. Aditya Prakash Sahay, Adv.

For the Opposite Party/s : Mr. Navin Kr.Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

4 19-07-2016 Heard Mr. Bindhyachal Singh learned counsel for the
petitioner learned counsel for the B.S.F.C. and learned A.P.P.

The petitioner apprehends his arrest in Simri P.S. Case
No. 229/2015, registered for the offences punishable under
Section 409 and 420 of the Indian Penal Code.

The petitioner was Incharge of Wheat Purchase Centre
Simri District – Buxar and he purchased 8679.50 quintals of wheat
in the year 2012-13. He supplied 7088 quintals of wheat and
1591.50 quintals of wheat remained with the petitioner.

It is submitted that 796 quintals of wheat was found in
the godown which was auctioned vide annexure 12 at page 90 of

the bail petition and B.S.F.C. got Rs. 7,99,980/- from that auction. It is further submitted that since B.S.F.C. did not lift remaining wheat of 1591 quintals, therefore, quality of wheat deteriorated on account of moisture and only 796 quintals remained in the godown. Petitioner did not misappropriate any amount of wheat. He also spent Rs. 22,000/- on pesticides for keeping the wheat in good condition.

On the other hand, learned counsel for the B.S.F.C. has submitted that 1591 quintals of wheat was misappropriated.

It appears that petitioner purchased 8679 quintals of wheat out of which the petitioner supplied 7088 quintals of wheat. The remaining wheat remained in the godown of the petitioner and the same was not lifted, when the godown was inspected 796 quintals of wheat was auctioned and Rs. 8,00,000/- was procured from the auction of 796 quintals of wheat.

Petitioner is ready to deposit Rs. 4,00,000/- within two months subject to the condition of rendition of amounts of wheat and deduction on account of moisture by the department concerned.

Considering the facts aforesaid and if the petitioner deposits Rs. 4,00,000/- within two months, the petitioner above-named, in the event of his arrest or surrender before the court

below within a period of ten 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 Additional Chief Judicial Magistrate - IV, Buxar in connection with Simri P.S. Case No. 229/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

Vinita/-

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