

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31159 of 2016

Arising Out of PS.Case No. -116 Year- 2016 Thana -RAMGARH District- BHABHUA (KAIMUR)

Uday Pratap Singh, son of Haridwar Singh, proprietor of M/s Maa Kamakya Chawal Udyog, Surya Pura, Nuwaon, resident of village- Suryapura, P.S.- Ramgarh, District- Kaimur (Bhabhua). Petitioner.

Versus

1. The State of Bihar.
2. The Bihar State Food and Civil Supplies Corporation, through its District Manager, Kaimur (Bhabhua). Opposite Parties.

Appearance :

For the Petitioner : Mr. Sumeet Kumar Singh, Adv.

For the Opposite Party No.1 : Mr. Raj Ballabh Singh, A.P.P.

For the Opposite Party No.2 : Mr. Aditya Prakash Sahay, Adv.

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
ORAL ORDER

03 05-10-2016 Heard learned counsel for the petitioner and the opposite parties.

The petitioner apprehends his arrest in Ramgarh P.S. Case No.116 of 2016 for the alleged offences under Sections 409, 420 and 120 B of the Indian Penal Code.

The allegation as per the F.I.R. is that the petitioner is the owner of a rice mill, which was given 23,921.40 quintals of paddy for being milled into rice and return. According to the ratio fixed, the petitioner was to return 16,027.34 quintals of rice. Thus, there was a shortfall of 12,139.50 quintals of rice. Thus, there was shortage of 3,887.4 quintals of rice, which was misappropriated amounting to about Rs.73.99 lakhs.

Learned counsel for the petitioner draws attention of this Court to the notice of the Bihar State Food and Civil Supplies

- 2 -

Corporation (hereinafter in short as 'BSFC') itself, as contained in Annexure-2, a demand notice by the BSFC itself dated 29.05.2014 wherein it is pointed out that the petitioner had failed to deposit 371.19 quintals of rice as against 23,921.40 quintals of paddy given for milling. As such, he was required to deposit the value thereof being Rs.6,08,780.00, which the petitioner has duly deposited. It is further stated with reference to the supplementary affidavit that on realizing that the officials of BSFC were manipulating the accounts, thereafter, a criminal complaint was filed against the Officers of BSFC in which cognizance has also been taken and it is thereafter that this F.I.R. is being lodged.

Be that as it may, in the event of his arrest or surrender within five weeks from today, the petitioner above-named shall be released on bail on his furnishing bonds of Rs.10,000.00 (Rupees Ten Thousand) with two sureties of like amount to the satisfaction of A.C.J.M, Kaimur at Bhabhua in connection with Ramgarh P.S. Case No.116 of 2016, subject to all conditions as laid down in Section 438 (2) of the Criminal Procedure Code.

(Navaniti Prasad Singh, J.)

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