

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.53832 of 2015

Arising out of PS.Case No. -194 Year- 2013 Thana -KUDRA District- BHABHUA (KAIMUR)

Jagdish Singh, son of Late Basgit Singh, resident of Village and P.O.-  
Hathini, P.S.- Nokha, District- Rohtas.

.... .... Petitioner

Versus

- 1. The State of Bihar.
- 2. The District Manager, Bihar State Civil Supply Corporation, Kaimur at  
Bhabua.

.... .... Opposite Parties

Appearance :

- For the Petitioner : Mr. Rama Kant Sharma, Sr. Advocate and Mr.  
Ajay Nandan Sahay, Advocate.
- For the BSFC : Mr. Ram Shankar Pradhan, Sr. Advocate and  
Mr. Jainandan Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH  
ORAL ORDER

4      09-03-2016      Heard learned senior counsels for the petitioner and for  
the Bihar State Food Corporation.

The petitioner is apprehending his arrest in connection  
with Kudra P.S. Case No. 194 of 2013 for the offences instituted  
under Sections 406, 409, 420 and 120(B) of the IPC.

The prosecution story, in brief, is that the petitioner was  
Incharge of Purchase Centre of SFC Kudra Branch and 51,164.24  
quintals of wheat procured by the District Manager, SFC, Kaimur  
from farmers and various PACS was stored in the godown of the



said Purchase Centre, out of the said quantity of wheat, 15,653.32 quintals of wheat was deposited in Mohania and Kudra Godown of SFC by the petitioner and 19,038.92 quintals remained in the godown but the said wheat was not found in the godown and the same is alleged to have been misappropriated by the Incharge of the Purchase Centre. The petitioner and Chandan Kr. Singh, SMS, Kudra and Rajesh Kr. Singh, Farmers advisor so, they have misappropriated huge government money. It is also alleged that earlier Kudra P.S. Case No. 131 of 2012 was lodged against the petitioner under Sections 175, 176, 419, 420 of the IPC while committing several irregularities in the purchase of the wheat, accordingly, he was suspended and he was directed to hand over charge to one Ram Sujana Kumar but he did not hand over the charge.

It has been submitted on behalf of the petitioner that the petitioner has been made accused in the present case due to mistake of fact. The petitioner happened to be the Block Agriculture Officer and he was the Incharge in respect to procurement of wheat for the Bihar State Food Corporation. There is no substantive piece of evidence to show the involvement of this petitioner in the present case. It is further submitted that the petitioner is ready to deposit an amount of Rs. 15,00,000/- before



the competent authority of the B.S.F.C. which shall be subject to final disposal of the case. It is further submitted that the petitioner shall deposit an amount of Rs. 5,00,000/- before the competent authority of the B.S.F.C. and the receipt of the same shall be produced at the time of furnishing bail bond. Thereafter the petitioner shall deposit the balance amount i.e., Rs. 10,00,000/- before the competent authority of the B.S.F.C. within a period of eight months and after production of the receipt issued by the competent authority of the B.S.F.C. the provisional bail granted to the petitioner shall be confirmed.

On behalf of the learned senior counsel for the Bihar State Food Corporation it has been submitted that the petitioner is named in the F.I.R. and he was involved in misappropriation of public money.

Considering the aforesaid facts and circumstances, it is directed that the petitioner shall deposit an amount of Rs. 5,00,000/- before the competent authority of the B.S.F.C. and receipt thereof, shall be produced at the time of furnishing bail bond and on doing so, let the petitioner above named, be released on provisional anticipatory bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Kudra P.S. Case No.

194/2013 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Kaimur at Bhabua, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The balance amount i.e., Rs. 10,00,000/- shall be deposited before the competent authority of the B.S.F.C. within eight months and after production of the receipt thereof, the provisional anticipatory bail granted to the petitioner shall be confirmed.

(Sudhir Singh, J)

U.K./-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|