

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22049 of 2016

Arising Out of PS.Case No. -3 Year- 2016 Thana -NATWAR District- SASARAM (ROHTAS)

1. Narvadeshwar Singh Son of Late Laxmi Narayan Singh Resident of village - Narendrapur, P.S. Andar, District - Siwan (Bihar), the then Circle Officer, Dinara At Present Consolidation Officer, Semari, Buxar

.... Petitioner/s

Versus

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

.... Opposite Party/s

with

Criminal Miscellaneous No.25650 of 2016

Arising Out of PS.Case No. -3 Year- 2016 Thana -NATWAR District- SASARAM (ROHTAS)

1. Baijnath Sah son of Late Vrida Sah, Resident of village- Tenuaj Bazar, P.S.- Natwar, District- Rohtas.

.... Petitioner/s

Versus

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

.... Opposite Party/s

with

Criminal Miscellaneous No.25661 of 2016

Arising Out of PS.Case No. -3 Year- 2016 Thana -NATWAR District- SASARAM (ROHTAS)

1. Bhagirathi Chaubey, Son of Bhagat Chaubey, Resient of village- Bhaluanhi, P.S.- Natwar, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mr. Dinesh Prasad Singh, The District Manager, The Bihar State Food Corporation, Rohtas at Sasaram.

.... Opposite Party/s

with

Criminal Miscellaneous No.25751 of 2016

Arising Out of PS.Case No. -3 Year- 2016 Thana -NATWAR District- SASARAM (ROHTAS)

1. Chandra Shekhar Singh Son of late Chaturgun Singh Resident of Village-
Palastampur, PS Natwar, District Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar
2. Dinesh Prasad Singh Distt Manager Bihar State Food Corporation Rohtas
at Sasaram.

.... Opposite Party/s

with

Criminal Miscellaneous No.26016 of 2016

Arising Out of PS.Case No. -3 Year- 2016 Thana -NATWAR District- SASARAM (ROHTAS)

1. Sanjay Kumar Jaysawal, son of Late Baiju Prasad Jayasawal, Resident of
Village- Tenuaj Bazar (Natwar), P.S.- Natwar, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mr. Dinesh Prasad Singh, The District Manager, The Bihar State Food
Corporation, Rohtas at Sasaram.

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.22049 of 2016)

For the Petitioner/s : Mr. Rakesh Kumar, Advocate,
For the State : Mr. Md. Fahimuddin, APP
For BSFC : Mr. Prabhat Kumar Singh, Advocate

(In Cr.Misc. No.25650 of 2016)

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
Mr. Rajnikant, Singh, Advocate
For the State : Mr. Mr. Fahimuddin APP
For the BSFC : Mr. Shailendra Kumar Singh, Advocate.

(In Cr.Misc. No.25661 of 2016)

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
Mr. Rajani Kant Singh, Advocate
For the State : Mr. Sanjay Kumar Tiwary, APP
For the BSFC : Mr. Aditya Prakash Sahay, Advocate.

(In Cr.Misc. No.25751 of 2016)

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
Mr. Rajani Kant Singh, Advocate
For the BSFC : Mr. Shailendra Kumar Singh, Advocate

(In Cr.Misc. No.26016 of 2016)

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
Mr. Rajnikant, Singh, Advocate
For the BSFC : Mr. Vikash Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH
ORAL ORDER

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12-08-2016

Heard the parties.

All these applications, for grant of anticipatory bail, arises out of Natwar P.S. Case No. 03 of 2016, disclosing offences under Sections 406,407,408,409,467,468,420 and 120(B) of the Indian Penal Code have been heard and are being disposed of by the present common order.

The petitioner Narvadeshwar Singh, of Criminal Miscellaneous No.22049 of 2016, at the relevant time was posted as Circle Officer, Dinara Block whereas co-accused Chandra Shekhar Singh, of Criminal Miscellaneous No.25751 of 2016 was PACS Chairman of Karhansi, PACS. The petitioner Bhagirathi Chaubey, of Criminal Miscellaneous No.25661 of 2016, was the PACS Chairman of Balia PACS. Petitioner Sanjay Kumar Jaysawal, of Criminal Miscellaneous No.26016 of 2016, was the Chairman of Tenua PACS.

Allegation against them relates to procurement of more paddy from the certain farmers than they could have done under Paddy Procurement Scheme 2014-15.

It is alleged that on the basis of the holdings of respective farmers, less quantity of paddy ought to have been procured from them but the Circle Officer, PACS Chairman and the

farmer connived in a manner that the farmer received more benefit than they were entitled to. The allegation is based on an enquiry conducted by the District Magistrate.

Learned senior counsel appearing on behalf of the petitioners has submitted that even if the allegations are taken to be true, it cannot be said that any financial loss was caused to Bihar State Food and Civil Supply Corporation. He has also submitted that on the basis of what has been alleged in the first information report, at the maximum it can be said that there had been some irregularity committed by the officials and the farmers, and according to him, no offence as alleged is made out.

Learned counsel appearing on behalf of the State Food and Civil Supply Corporation on the other hand, while opposing the prayer for anticipatory bail, has submitted that the petitioners acted in a well hatched up conspiracy extend undue advantage to those who were not entitled to such benefit.

Considering the nature of accusation, this application is allowed. Let the petitioners, above named, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of **learned Judicial Magistrate 1st, Class,**

Bikramganj in connection with **Natwar P.S. Case No. 03 of 2016** subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners, above named, shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Prakash/-

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