

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32507 of 2015

Arising Out of PS.Case No. -82 Year- 2015 Thana -DUMRA District- SITAMARHI

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1. Ramesh Kumar @ Ramesh Kumar Singh Son of Ganga Ram Singh,
Resident of Village - Hariharpur, P.S. - Pupri, District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar
2. The State Food Corporation Sitamarhi, District - Sitamarhi.

.... Opposite Party/s

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with

Criminal Miscellaneous No.47828 of 2015

Arising Out of PS.Case No. -82 Year- 2015 Thana -DUMRA District- SITAMARHI

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1. Ravindra Kumar Chaudhary @ Rabindra Kumar Chaudhary son of Late
Suryadeo Chadhary Resident of village - Baghari, P.S. Sursand, District -
Sitamarhi, the then Block Agriculture Officer-cum-Incharge Purchase
Centre, Runnisaidpur, District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Bihar State Food and Civil Supplies Corporation Ltd. through the
District Manager, State Food Corporation, Sitamarhi.

.... Opposite Party/s

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with

Criminal Miscellaneous No.49049 of 2015

Arising Out of PS.Case No. -82 Year- 2015 Thana -DUMRA District- SITAMARHI

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1. Nand Kishore Sharan @ Anand Kishore Sharan S/o Raj Nandan Sharan
Resident of Village - Runnisaidpur, P.S. - Runnisaidpur, District -
Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Bihar State Food Corporation, Bihar, Sone Bhawan, Patna - 1

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.32507 of 2015)

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate,
Mr. Birendra Kumar

For the Opposite Party/s : Mr. Nirmala Kumari (APP)
(In Cr.Misc. No.47828 of 2015)
For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr. Pushpendra Kumar Singh
For the Opposite Party/s : Mr. Ajit Kumar(APP)
(In Cr.Misc. No.49049 of 2015)
For the Petitioner/s : Mr N.K. Agrwal, Sr. Advocate
Mr. Bimal Kumar
For the Opposite Party/s : Mr. Nitya Nand Tiwary (APP)
For the B.S.F.C : Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

11 10-02-2016

Heard Mr. N.K. Agarwal, learned Senior counsel appearing on behalf of the petitioners, learned Additional Public Prosecutor appearing on behalf of the State and Mr. Shailendra Kumar Singh, learned counsel for the Bihar State Food & Civil Supplies Corporation, Sitamarhi.

All these applications seeking grant of anticipatory bail arise out of the same Dumra P.S. Case No. 82 of 2015, disclosing offences punishable under Sections 420,406 and 439/34 of the Indian Penal Code.

The petitioner of Cr. Misc. No. 32507 of 2015, at the relevant point of time, was posted as Block Agriculture Officer, Dumra and was on deputation as Incharge of Paddy Purchase Center, Parihar. The petitioner of Cr. Misc. No. 47828 of 2015 was holding the post of Block Agriculture Officer, Runnisaidpur and was on deputation as Incharge of Paddy Purchase Center, Runnisaidpur. The petitioner of Cr. Misc. No. 49049 of 2015 was

posted as Block Agriculture Officer, Majorganj and was on deputation as Incharge of Paddy Purchase Center, Majorganj.

The First Information Report has been instituted, implicating several Block Agriculture Officers including these petitioners who were on deputation as Incharge Paddy Purchase Centers, at various places.

Mr. N.K. Agarwal, learned Senior Counsel appearing on behalf of the petitioners contends that even if the allegation contained in the First Information Report is taken to be true, the allegation against the petitioners is that because of their negligence in storage of the paddy so-purchased, huge amount of paddy was damaged and the amount in terms of money equivalent to the damaged paddy could not be deposited by the petitioners. He, accordingly, submits that no offence under Sections 406 or 409 of the Indian Penal Code is made out on the basis of the allegation as contained in the First Information Report inasmuch as, there is no allegation of misappropriation of paddy for any personal gain or otherwise.

Learned counsel appearing on behalf of the Bihar State Food & Civil Supplies Corporation, Sitamarhi while opposing the prayer for bail has submitted that in course of investigation materials have been collected which suggest that these petitioners

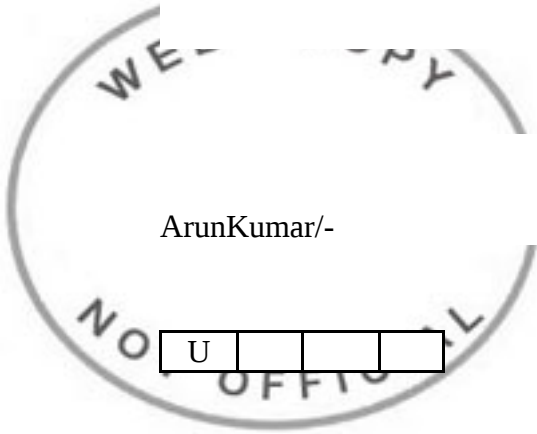
misappropriated the paddy, so-purchased by them while working as Incharge Paddy Purchase Centers.

However, I find force in the submission made on behalf of the petitioners that as per the First Information Report, the allegation against the petitioners are of being negligent in storage of paddy. Neither specific role constituting an offence has been attributed nor there is any allegation of misappropriation of paddy. Further, since the petitioners are employees of the State Government, there is no chance of them fleeing away from the course of investigation or trial.

Considering the above submissions, these applications are allowed. Let the petitioners above-named in the event of their arrest/surrender within four weeks from today in the Court below be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Dumra P. S. Case No. 82 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners 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)

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