

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34407 of 2016

Arising Out of PS.Case No. -47 Year- 2016 Thana -JAYNAGAR District- MADHUBANI

1. Anil Kumar Das @ Anil Kumar Son of Motilal Das Resident of Village -
Rajputani Jaynagar, P.S Jaynagar, District Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, B.S.F.C. Madhubani.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Kumar Jain
For the BSFC : Mr. Shailendra Kumar Singh
Mr. Prabhat Kumar Singh
For the State : Mr. Sri Ajay Kumar -2, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 19-10-2016 Heard both sides.

The petitioner apprehends his arrest in Jainagar P.S.
Case No. 47 of 2016, registered for the offences punishable under
Sections 409, 420, 467, 468 and 471 of the Indian Penal Code.

The petitioner was an Executive Assistant, Purchase
Centre at Jainagar in the year 2012 and 2013. The petitioner
purchased 33158.20 quintals of paddy through farmers and
different PACs but he supplied only 20931.80 quintals of paddy to
the millers. The petitioner did not give account of 12226.40
quintals of paddy to the BSFC. 7455.35 quintals of paddy was sold
in auction but the remaining amount of paddy was not made

available and thereby the petitioner misappropriated a sum of Rs. 96,33,861/-.

Learned counsel for the petitioner submits that the petitioner purchased the paddy from the farmers and different PACs in the year 2012-2013 and supplied 20931.80 quintals of paddy to the millers. The rest amount of the paddy was kept in the open sky. It is submitted that from perusal of Annexure-2 it would appear that the Chief Procurement Officer directed the Manager of different districts to keep the paddy in a proper place. The Chief Procurement Officer also wrote letters on 29.05.2013, 13.06.2013 and 18.06.2013 directing the District Manager of the State Food Corporation to keep the paddy in the godown so that the same may not be destroyed, but the paddy of the petitioner was not kept anywhere. It was the fault of the District Manager to allow the paddy to be kept in open place and in the coming rainy season quality of the paddy deteriorated.

Learned counsel for the petitioner further submits that the petitioner was only asked to deposit the amount of misappropriation, he sent an explanation on 07.01.2016 (Annexure-3) to the District Manager, Bihar State Food Corporation, Madhubani that the available paddy of two qualities i.e., FAQ and Non-FAQ were auctioned and the remaining paddy

were destroyed due to fall of rainy season. The petitioner cannot be held responsible for the destruction of the paddy kept in the open sky. It is further submitted that similarly situated persons have been granted anticipatory bail by this Court.

Learned counsel for the BSFC, however, opposed the prayer for anticipatory bail.

It appears on the face of it that the petitioner being the Executive Assistant Incharge of Jainagar Purchase Centre purchased 33158.20 quintals of paddy but he supplied only 20931.80 quintals of paddy to the millers. The petitioner did not give account to his higher officials about the keeping of paddy in open sky or in any godown nor the petitioner gave any explanation about the non-supply of paddy to the millers. When the petitioner was asked to furnish the details, the petitioner gave an explanation that the paddy was kept in the open sky. The petitioner is alleged to have misappropriated the paddy of worth Rs. 96,33,861/-.

Considering the nature of allegations and the fact that the petitioner has misappropriated huge amount, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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