

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32263 of 2016

Arising Out of PS.Case No. -364 Year- 2016 Thana -BHABHUA District- BHABHUA (KAIMUR)

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Arbind Kumar Singh S/o Late Hirdya Nand Singh, resident of Village-
Sion, P.S.- Bhabhua, District- Kaimur (Bhabhua). Petitioner/s
Versus

1. The State of Bihar.
2. Dist Manager, State Food & Civil Supplies Corporation, Kaimur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Narayan Rai, Advocate
For the B.S.F.C. : Mr. A.P.Sahay, Advocate
For the Opposite Party/s : Mr. Sri Pradeep Narain Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

6 20-09-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out
of Bhabhua Town P.S. Case No. 364 of 2016, disclosing offences
under Sections 409 and 420 of the Indian Penal Code.

The petitioner is owner of a rice mill. Paddy to the tune
of 51666.2 quintals was supplied to him under National Food
Security Scheme with an agreement that he will be supplying
34616.36 quintals of CMR. The petitioner supplied 13763.80
quintals of CMR only and, allegedly, he misappropriated rest of
the CMR weighing 20852.86 quintals worth Rs. 4,51,57,469.83/-.

The petitioner has deposited a sum of Rs. 3,16,83,653/-.
Allegedly, the rest of the misappropriated amount i.e.
1,34,73.816.83/-is still with him as per the First Information

Report.

It is specific plea of the petitioner as taken in paragraph 14 to 19 that a sum of Rs. 1,12,26,054/- is required to be adjusted against various heads and a total sum of Rs. 22,47,762.83/- only remains to be paid by the petitioner.

Learned counsel for the petitioner has submitted that no case of criminal breach of trust, is made out on the basis of what has been alleged in the First Information Report. According to him, it is a matter of accounting between the Corporation and the petitioner, which could have been sorted out across the table.

Misappropriation of paddy/CMR in the State of Bihar has acquired the shape of large scale scam and considering the same *modus operandi* adopted by the persons involved through out the State, it can be easily perceived that mammoth misappropriation of public money has been done in a well planned manner. Hundreds of First Information Reports with identical allegations have been lodged and the cases are pending.

Several applications seeking anticipatory bail by the persons, made accused, are being filed in the Court. Since the matter relates to misappropriation of public money at large scale, deviating from standard practice, this Court while considering the exercise of discretion has also kept in mind as to whether the persons concerned are willing to deposit the amount, which they



are said to have misappropriated, in the account of the State Food and Civil Supplies Corporation. The Court is mindful of the fact that certificate cases have also been instituted for recovery of the amount, said to have been misappropriated by the rice millers. It is because of this Court's intervention that substantial amount has been deposited in the account of the Corporation.

It was in this background, so as to ascertain the liability on the petitioner as calculated by the Corporation that this Court had directed the learned counsel for the State to seek instructions. Neither learned counsel for the State nor the Corporation, who were appearing in this application for anticipatory bail could receive any instruction. This Court on 14.09.2016 directed the Managing Director of the Corporation to be personally present, pursuant to which he had appeared at 2.15 P.M. This Court explained to him the reason by learned counsel for the State and the Corporation were made to seek instructions on the point of the petitioner's liability as per Corporation's contention. The matter was adjourned and when it was taken up on 19.09.2016, no specific stand could be taken on behalf of the Corporation as regards the petitioner's liability. To say the least, this Court noticed profound indifference on the part of the officials of the Corporation. I strongly deprecate their conduct as the Court has formed an opinion that they are least interested in the interest of

the Corporation.

Since till date the opposite parties have not produced any document and have not taken any specific stand as to what is the liability of the petitioner, I am inclined to grant the privilege of anticipatory bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above-named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Bhabhua P.S. Case No. 364 of 2016, 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 petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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