

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43901 of 2016

Arising Out of PS.Case No. -297 Year- 2016 Thana -UDWANTNAGAR District- BHOJPUR

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Rajendra Prasad Singh, son of late Brahma Singh, resident of village Nima,
P.S- Udwant Nagar, District- Bhojpur (Ara).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar Rai, Advocate.

For the Opposite Party/s : Mr. Sri Nityanand, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

2 04-10-2016

Heard learned counsel for the parties.

The petitioner seeks pre-arrest bail in connection with
Udwant Nagar P.S.Case No. 297 of 2016 registered under
Sections 409 and 420 of the Indian Penal Code.

The allegation against the petitioner is that he had
advanced paddy to the rice miller without getting the proportionate
Custom Milled Rice (C.M.R.) in return.

Learned counsel for the petitioner submits that during
enquiry, it has come that the amount of C.M.R., which was
supplied by the miller, was deposited by the petitioner, who is the
Chairman of the local PACS, to the Bihar State Food and Civil
Supplies Corporation (hereinafter referred to as the 'Corporation').
It is submitted that the petitioner had not committed any wrong, as
whatever C.M.R. the miller had returned, was given to the



Corporation. It is further submitted that the mill owners have neither been noticed or show cause asked and thus, the petitioner has been only singled out for such treatment, as has also been opined by the Investigating Officer. Learned counsel further submits that the receipt of the paddy and C.M.R. also bears the signature in the concerned register.

Learned A.P.P. submits that as per the stand of the petitioner, 3348 quintals of paddy was procured and supplied to the miller, but only 749.06 quintals of C.M.R. was returned to the PACS, which was deposited in the Corporation Godown and further that the miller was supposed to give bank guarantee/bank draft proportionate to the procured paddy, but no document was made available. Thus, it is submitted that the petitioner had the responsibility for procuring the bank guarantee/bank draft proportionate to the paddy, which was given to the miller, but the same was not done. He submits that this clearly shows the fault or connivance on the part of the petitioner, leading to heavy loss of public money.

Having considered the facts and circumstances of the case and the submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the application stands dismissed.

However, in the event the petitioner surrenders before the court below within one month from today, and seeks regular bail, the same shall be considered on its own merit without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

Sujit/-

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