

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20174 of 2016

Arising Out of PS.Case No. -35 Year- 2015 Thana -DAWATH District- SASARAM (ROHTAS)

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1. Lal Babu Gupta Son of Daroga Sah, Resident of Village- Ram Nagar,
P.S- Dawath, District- Rohtas.

.... Petitioner/s

Versus

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

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh

For the Opposite Party/s : Mr. Nagendra Pd. (App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 14-07-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Dawath P.S. Case No. 35 of 2015 registered under Sections
406, 420 and 120-B of the Indian Penal Code.

According to the prosecution case, the petitioner had
received 2000 quintals paddy for milling and had agreed to return
67% Custom Milled Rice (for short 'C.M.R.') after milling.
However, the petitioner failed to return 800 quintals C.M.R.
causing loss of Rs.17,32,448/- to the Bihar State Food
Corporation Limited.

It is contended by the learned counsel for the

petitioner that it is out and out a civil dispute for which a criminal case has been instituted just in order to coerce the petitioner and realize the quantity of C.M.R. due against him. There was an agreement between the parties and at best it is case of simple breach of agreement for which the Corporation has already filed certificate proceeding before the Certificate Officer.

Learned counsel for the State Food Corporation Limited has opposed the prayer for grant of anticipatory bail to the petitioner. He has submitted that it is a serious case of misappropriation and defalcation of paddy worth Rs.17,32,448/-. Despite repeated reminders given to the petitioner, he failed either to return the paddy, or the C.M.R., or the amount equivalent to the C.M.R. He has also contended that in an organized manner the crime was committed in several districts of Bihar for which about 2000 cases have been instituted in different Police Stations. The plea taken by the petitioner for grant of anticipatory bail was considered by this Court in the matter of *M/s Jai Mata Di Rice Mill & Ors. Vs. The State of Bihar & Ors. [2015(4) BBCJ V-335]*, wherein this Court has held that the ingredients of the offences punishable under Sections 406 and 420 of the Indian Penal Code are made out.

Regard being had to the nature of allegation, I am not

inclined to grant pre-arrest bail to the petitioner. Accordingly, the application is dismissed.

In case the petitioner surrenders and seeks bail, the same shall be considered on its own merit without being prejudiced in any manner by this order.

(Ashwani Kumar Singh, J)

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