

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11172 of 2016

Arising Out of PS.Case No. -39 Year- 2014 Thana -DUMRA District- SITAMARHI

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Ghuran Ram Son of Late Raghunandan Ram, Resident of village-
Pakarsah, P.S.- Saharghat, District- Madhubani

.... Petitioner

Versus

1. The State of Bihar
2. The Bihar State Food and Civil Supplies Corporation, Bihar at Patna

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Pankaj Kumar Das, Advocate
For the Opposite Parties : Mr. Shailendra Kumar Sing, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-05-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Dumra P.S. Case No. 39 of 2014 for the offences instituted
under Sections 406, 409 and 420 of the Indian Penal Code.

As per the prosecution the informant Manoj Kumar
Singh, Deputy Manager of Bihar State Food and Civil Supplies
Corporation Ltd., Sitamarhi that total 33577.50 quintals wheat
were purchased by the petitioner who was the then purchase centre
Incharge of Dumra along with other accused, as mentioned in the
written report for the year 2012-13, out of which, total 25695.00
quintals of wheat were supplied to the FCI and the remaining
wheat i.e., 7882.50 quintals remained in the godown of purchase

centre and further alleged that on different dates, the petitioner has supplied 5498.26 quintals wheat to H.S. Food Product, Koat Bazar, Sitamarhi but he did not supply the remaining wheat i.e. 2384.24 quintals wheat and has misappropriated the wheat of worth of Rs.34,69,069.20/-.

It has been submitted on behalf of the petitioner that the petitioner has falsely been implicated in the present case due to mistake of fact. Petitioner is the Incharge of the Purchase Centre, Dumra within the district of Sitamarhi. The other co-accused has been granted anticipatory bail by this Court with the direction to deposit the 50% of the amount of Rs.3469069.20. It is further submitted that the petitioner shall deposit an amount of Rs.4,00000/- (four lacks) within a period of six months before the Bihar State Food and Civil Supplies Corporation Ltd.

On behalf of the State and the counsel for the Bihar State Food and Civil Supplies Corporation Limited, it has been submitted that the petitioner is named in the F.I.R and has misappropriated the public money.

Considering the aforesaid facts and circumstances, it is directed that the petitioner shall deposit an amount of Rs.4,00000/- (four lacks) before the Bihar State Food and Civil Supplied Corporation Limited within a period of six months, in the

meantime, the petitioner shall be granted provisional bail for the period of six months and on doing so, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Dumra P.S. Case No. 39 of 2014 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Sitamarhi, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure. When the entire amount of Rs.4,00000/- (four lacks) deposit before the Corporation, the Corporation shall issue a certificate in respect to the money receipt and same shall be produced before the court below within a period of six months upon which the court below shall confirm the provisional bail granted to the petitioner.

(Sudhir Singh, J)

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