

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14795 of 2016

Arising Out of PS.Case No. -12 Year- 2016 Thana -DHANSOI District- BUXAR

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Arun Kumar, Son of Sri Balmiki Singh, Resident of village – Bazidpur,
P.S. Ghosi, District - Jehanabad

.... Petitioner

Versus

1. The State of Bihar
2. District Manager State Food Corporation Buxar

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh, Advocate
For the B.S.F.C. : Mr. Shailendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Nitya Nand Tiwary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 04-05-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out
of Dhansoi P.S. Case No. 12 of 2016, disclosing offences under
Sections 406, 409 and 420 of the Indian Penal Code.

The petitioner, at the relevant point of time, was posted
as Block Statistical Supervisor, Rajpur-cum- Incharge Purchase
Centre, Indapur. In that capacity, he purchased 1,25,928.80
quintals of paddy, which he was required to make available to the
millers for keeping back CMR. Allegedly, the petitioner did not
give to the millers the entire paddy, which he had purchased and
supplied only 1,23,117.00 quintals of paddy. Rest 2811.80 quintals

of paddy, said to have remained in the custody of the petitioner. Subsequently, the said paddy (2811.80 quintals) was sold in auction sale. It is alleged that against the petitioner is that because he retained the said quantity of paddy with him, the Bihar State Food Supply Corporation Limited had to suffer financial loss inasmuch as the paddy was sold in auction sale at a lower rate.

Learned counsel for the petitioner has submitted that even if the allegations, made in the First Information Report, are treated to be true, at the maximum a case of misconduct, inviting disciplinary action is made out. He submits that no offence under Sections 406, 409 and 420 of the Indian Penal Code is made out on the basis of the said allegation.

Learned counsel appearing on behalf of the Corporation, on the other hand, by opposing the prayer for bail, has submitted that it is the policy of the Corporation that loss caused to the Corporation because of such conduct is to be recovered from the person responsible for such loss.

If the policy requires recovery of the loss caused to the Corporation, the Corporation is always at liberty to do so.

Considering the submission advanced on behalf of the petitioner, I am, prima facie, of the view that no case of criminal breach of trust is made out.

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, Buxar in connection with Dhansoi P.S. Case No. 12 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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