

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16470 of 2016

Arising Out of PS.Case No. -16 Year- 2016 Thana -NAWANGAR District- BUXAR

1. Amirchand Ram Son of Sri Suba Ram R/o Village Bankat, P.S. Garhani,
District Bhojpur at Ara, presently posted as Block Agriculture Officer,
Block Kesath, P.S. Nawanagar, District Buxar

.... Petitioner/s

Versus

1. The State of Bihar
2. The Bihar State Food & Civil Supplies Corporation Ltd. Patna through its
Managing Director
3. Shri Prabhu Das Son of Late Kumar Ram R/o Village Kanaili, P.S.
Shahpur, District Bhojpur at Ara, the District Manager, Bihar State Food &
Civil Supplies Corporation Ltd. Buxar, District Buxar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nityanand Mishra, Advocate
For the BSFC : Mr. A. P. Sahay, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 05-07-2016 Heard both sides.

The petitioner apprehends his arrest in a case under
Section 406, 409, 420 of the Indian Penal Code.

The petitioner being Block Agriculture Officer was
made Incharge, Paddy Purchase Centre, Kesath in the financial
year 2013-2014 for purchasing paddy. The petitioner purchased
16965.20 quintals of paddy but he supplied 14630.55 quintals of
paddy to different SIO. 2334.65 quintals of paddy remained in the
godown and the petitioner did not supply the same to any miller
nor informed the authorities and consequently the quality of paddy

deteriorated and the authorities had to auction the paddy on a very low price, i.e., Rs. 340 per quintal and thereby instead of 38,77,001.97/- only Rs. 7,93,781/- was realized and due to negligence of the petitioner loss of Rs. 30,83,220.97/- was caused to the BSFC.

It is submitted that petitioner is a Government servant. No departmental proceeding is initiated against the petitioner for any negligence. The petitioner was, of course, Incharge of Paddy Purchase Centre but paddy was supplied to different millers and only 2334.65 quintals of paddy remained in the godown of Purchase Centre as no miller lifted the paddy in spite of requests made by the petitioner. There is no misappropriation or defalcation as no amount of paddy was misappropriated by the petitioner.

The learned counsel for the BSFC submits that due to negligence of the petitioner huge quantity of paddy kept in the godown was deteriorated which caused loss to the tune of Rs. 30 lacs and odd to the BSFC.

Considering the fact that no amount of paddy was misappropriated by the petitioner nor any shortage of paddy was found and for negligence of the petitioner the authorities may initiate departmental proceeding, the above named petitioner, in

the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in Nawanagar P.S. Case No. 16 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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