

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43746 of 2016

Arising Out of PS.Case No. -254 Year- 2016 Thana -KAJI MUHAMMADPUR District-
MUZAFFARPUR

Sanjay Priyadarshi, aged about 57 Years, Son of Nareshwar Prasad R/o 3rd Floor, Matri Sukh Dadiji Lane, P.S. S.K. Puri, District- Patna.

.... Petitioner

Versus

1. The State of Bihar.
2. Bihar State Food and Civil Supply Corporation through its Managing Director, Bihar, Patna.

.... Opposite Parties

Appearance :

For the Petitioner : Mr. Kanhaiya Singh, Sr. Advocate,
For the State : Mr. Shyameshwar Dayal, A.P.P.
For the EOU : Mr. V.N.P. Sinha, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

4 28-10-2016 Heard learned counsel for the petitioner, learned counsel for EOU and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Kaji Mohammadpur (KMP) P.S. Case No. 254 of 2016, registered under Sections 119 and 409 of the Indian Penal Code.

The accusation is that the petitioner being the District Manager of BSFC, Muzaffarpur entered into an agreement with one Gayasuddin Ansari, who claimed himself as partner of a firm running Muzaffarpur Modern Rice Mill situated in village Chhajan Harishankar, P.S. Kudni, District-Muzaffarpur without verification of the partnership deed. Thereafter, the paddy was supplied for milling and supply of 67% rice to the supplied paddy, but Gayasuddin Ansari

did not supply the rice 1,11,36.65 quintal worth of Rs. 211944927/-.

Learned counsel for the petitioner submits that, admittedly, the petitioner being the officer of Bihar State Service was posted as Manager in BSFC in the year 2011-12 and on failure of non-supply of rice worth of Rs. 14,20,75,125/-, Kurni P.S. Case No. 233 of 2012 was instituted by him, under Sections 409/34 of the Indian Penal Code against M/s. Muzaffarpur Modern Rice Mill and its partner and after investigation, Police submitted Chargesheet on 08.08.2013 against Gayasuddin Ansari and other partners of the firm, who approached this Court for Anticipatory Bail by filing Criminal Miscellaneous No. 40036 of 2013 in which he was granted provisional bail on 24.01.2014 for three months with direction to settle the dispute with BSFC. Thereafter, Certificate Case No. 43 of 2013-14 was also initiated against M/s Muzaffarpur Modern Rice Mill and its partners, including Gayasuddin Ansari, in which notice was issued for appearance of the partners of M/s. Muzaffarpur Modern Rice Mill on 27.07.2016. The certificate proceeding was challenged vide C.W.J.C. No. 7249 of 2014 by M/s. Muzaffarpur Modern Rice Mill and its partners including Gayasuddin Ansari, while it was allowed on 11.08.2014, but L.P.A. No. 1718 of 2015 was preferred by the BSFC against said order on 17.08.2015, which was allowed on 20.05.2016 dismissing the aforesaid writ petition of M/s. Muzaffarpur Modern Rice Mill and its partners.

Learned counsel appearing on behalf of Economic Office

submits that 23199 quintal of paddy was supplied on which 154836 quintal rice was to be supplied by the M/s. Muzaffarpur Modern Rice Mill, but he only supplied 43470 quintal and remaining 11136.65 quintal rice worth of Rs. 211944927 was misappropriated. Further submission is that, in fact, the F.I.R. was not lodged by the petitioner suo motu rather the case was lodged on the direction of the District Magistrate.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Muzaffarpur in connection with Kazi Mohammadpur (KMP) P.S. Case No. 254 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. The petitioner will also filed undertaking to co-operate in the investigation.

(Rajendra Kumar Mishra, J)

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