

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41733 of 2013

Arising Out of PS.Case No. -73 Year- 2013 Thana -BUXAR INDUSTRIAL AREA District-
BUXAR

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Ranjay Sah @ Ranjay Kumar Sah Son of Sri Indradeo Sah Resident Of
Village Puchhari, P.S.-Brahmpur, District-Buxar

.... Petitioner/s

Versus

1. The State Of Bihar
2. The senior Deputy Collector-cum-District Manager, Bihar State Food
and Civil Supplies Corporation Ltd., Buxar, District – Buxar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Adv.

For the Opposite Party/s : Mrs. Sharda Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

10 29-11-2016

Heard both sides.

The petitioner apprehends his arrest in Buxar (Industrial Area) P.S. Case No. 73/2013, registered for the offences punishable under Sections 406, 409, 420 and 120B of the Indian Penal Code.

The informant District Manager, State Food Corporation, Buxar wrote a letter to the S.H.O. Buxar Industrial Area on 20.07.2013 that Ranjay Kumar Sah (petitioner) proprietor of M/s Shanker Rice Mill entered into the agreement with the Corporation and on the basis of said agreement 6190 quintals of paddy was entrusted to him for preparing C.M.R. worth Rs.

80,74,236/-, but during the enquiry no paddy nor C.M.R. was found inside the premises of the Rice Mill of Ranjay Kumar Sah (petitioner) and it is alleged that the petitioner has embezzled the entire amount.

Mr. Pankaj Kumar Sinha learned counsel for the petitioner submits that there was an agreement between the B.S.F.C. and the Miller. According to one clause of the agreement if there is any dispute between the Miller and the B.S.F.C., the Miller and the B.S.F.C. will sit together to resolve the dispute. Vide order dated 31.01.2014 the petitioner was granted provisional anticipatory bail with a direction to the petitioner to appear before the concerned authorities within a week with a copy of this order for settlement of the dispute and upon which the authorities are directed to take final decision in the matter within two weeks thereafter. The petitioner filed a supplementary affidavit stating therein that in terms of the earlier order the petitioner had approached the authority concerned, but no order has been passed, on such, the petitioner was directed to implead the authority of B.S.F.C. as Opposite party no. 2 and notice was directed to be issued. Thereafter, on 26.11.2014 learned counsel for the B.S.F.C. was directed to file counter affidavit bringing on record the exact assessment of loss having been caused by the



petitioner which the petitioner undertakes to make good. The B.S.F.C. filed counter affidavit on 16.11.2016 stating therein that the petitioner received 6190 quintals of paddy and he duly put his signature on the S.I.O. showing the receipt of the aforesaid amount of paddy. Annexure – B and annexure – C are annexed with the counter affidavit showing the receipt of paddy by the petitioner and the actual loss of Rs. 89,81,226.99 caused to the B.S.F.C. due to non-supply of C.M.R. to the B.S.F.C. Petitioner again filed a supplementary affidavit stating that the petitioner received only two lots of paddy and thereafter he fell ill. He was undergoing treatment in Lok Nayak Jaiprakash Hospital, Delhi. The petitioner has not disclosed the actual amount of paddy received by him in any of his supplementary affidavit or in the bail petition. Vide order dated 26.11.2014 this court made it clear that the petitioner was ready and he undertook to make good the loss, but today petitioner filed a petition stating that he received only two lots of paddy, but did not disclose the actual amount of paddy received by him in the affidavit filed today itself. The petitioner did not sign on the S.I.O.

It appears from the Annexure – B and C of the counter affidavit that the petitioner put his signature on the receipts of paddy which shows that the petitioner received 6190 quintals of

paddy, but the petitioner did not supply even a single gram of C.M.R. to the B.S.F.C.

Considering the facts aforesaid and nature of allegation made against the petitioner and the fact that the petitioner is not ready to return any amount to the B.S.F.C., I am not inclined to enlarge the petitioner above-named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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