

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6003 of 2017

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M/s Ramki Rice Mill, Turkaulia, P.O. + P.S. - Turkaulia, District - East Champaran
through its Proprietor, Ashok Kumar Singh, son of Late Ram Snehi Singh

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food & Civil Supplies, Government of Bihar, Patna.
2. Bihar State Food & Civil Supplies Corporation, South of Daroga Prasad Rai Memorial Trust, Patna - 800001 (Bihar) through its Manager Director.
3. District Magistrate, East Champaran, Motihari.
4. The District Manager, Bihar State Food & Civil Supplies Corporation Ltd., District East Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Y.V.Giri, Sr. Advocate.
For the BSFC : Mr. S.K.Singh, Advocate.
For the Respondent/s : Mr. Maruth Nath Roy, A.C. to S.C.-4.
Mr. ARVIND UJJWAL-SC4.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 02-11-2017

Heard the counsel for the petitioner and the State.

2. In this case the petitioner, M/s Ramki Rice Mill, is a proprietorship firm and the Proprietor is Ashok Kumar Singh who had entered into an agreement with B.S.F.C. for supply of C.M.R. As the CMR could not have been supplied in terms of the agreement, the F.I.R. was lodged against Ashok Kumar Singh and he was granted pre-arrest bail by this Court in Cr.Misc.No.49929 of 2012 on 02.04.2013 with condition, i.e., on furnishing bail bond of Rs.10,000/- with two sureties of like amount each.

3. The State of Bihar has moved to the Supreme Court in



S.L.P. (Criminal) No.1779 of 2016 and other analogous cases against some of the petitioners passed in favour of certain millers and the Hon'ble Supreme Court has disposed of SLP wherein it was submitted on behalf of State of Bihar that there is a loss of Rs.1500 crores as all allegedly misappropriated by the accused persons. The Hon'ble Supreme Court has observed that the High Court has granted anticipatory bail or regular bail on payment 20% of the amount. The Court has taken view that the bails were granted more than a year back it will be in equitable to cancel the bail financial interest of the State could be secured by issuing certain directions that the accused in all F.I.Rs. will ensure furnishing bank guarantee, failing which anticipatory bail or regular bail granted shall stand cancelled, apart from the other conditions mentioned therein. On the basis of this condition mentioned in the order the BSFC has issued a letter dated 25.3.2017 wherein M/s Ramki Rice Mill through proprietor Ashok Kumar Singh was directed to furnish Bank guarantee otherwise proper action will be taken for cancellation of bail. It has been informed at the bar that Ashok Kumar Singh has already died and in support of his death, a death certificate has been attached, showing death of Ashok Kumar Singh. In such circumstance now, in my view, the letter dated 25.3.2017 is rendered infructuous. As he has already died, the question of modification or cancellation of bail does not arise. In such circumstance, this petition has been rendered infructuous.



4. This application is dismissed as having become infructuous.

5. However, BSFC, if so advised, will be at liberty to take appropriate step.

(Shivaji Pandey, J)

AnilKrSinha/-

AFR/NAFR	
CAV DATE	
Uploading Date	22.11.2017
Transmission Date	22.11.2017

