

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49096 of 2017

Arising Out of PS.Case No. -187 Year- 2017 Thana -AMARPUR District- BANKA

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1. Durga Shankar Gupta S/o Late Ramswarath Prasad, R/o Muhalla-
Mansarowar Colony, Hospital, P.S.- Araah, Town in the District- of
Bhojpur at Arah Petitioner

Versus

1. The State of Bihar.
2. The Bihar State Food and Civil Supply Corporation Ltd.
..... Opposite Parties

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar, Adv.
For the State : Mr. Md. Ashlam Ansari, APP 241
For O.P. No. 2 : Mr. Dr. Kislay, Adv.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 14-11-2017 Heard both sides.

The petitioner apprehends his arrest in Amarpur (Banka) P.S. Case No. 187 of 2017 registered under Sections 409, 420 and 468 of the Indian Penal Code.

The District Manager, Bihar State Food and Civil Supplies Corporation, Banka, alleged that the petitioner was In-Charge, Purchase Center, Fullidumar. The petitioner purchased 25,862.90 quintals of paddy and in pursuance of the direction the petitioner supplied 24,409.70 quintals to different millers. Remaining 1453.20 quintals of paddy was not supplied to the millers. On 22.12.2015, the godown was opened and only 74 quintals of paddy was auction sold. The petitioner misappropriated 1406.20 quintals paddy. The costs of which comes to Rs.10,21,163.50.

The learned counsel for the petitioner submits that the petitioner purchased paddy, but, the paddy was kept under the open sky due to paucity of the godown and, therefore, the paddy



was destroyed on account of rainy season. The petitioner wrote several letters to the concerned authority for supply of the paddy to the millers and for keeping the paddy in a safe place, but, no attention was given to the letter of the petitioner.

It appears from the submission of the petitioner, itself, that a godown having capacity of 5000 quintals of paddy was there. The petitioner supplied 24,409.70 quintals paddy for the millers out of 25,862.90 quintals paddy purchased by the petitioner. Only 1,453.20 quintals of paddy remained to be supplied and same can be kept in the godown itself. The petitioner has not given any satisfactory explanation for non-supply of the remaining paddy to the miller. Even on the date of auction only 74 quintals of paddy was found inside the godown, which was auction sold.

The learned counsel for the petitioner submits that the petitioner is ready to deposit the entire amount i.e. Rs.10,21,163.50 within three months.

Considering the undertaking taken by the petitioner the petitioner, in the event of his arrest or surrender, within four weeks from the date of receipt of this order, is directed to be released on **provisional anticipatory bail** for three months on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with **Amarpur (Banka) P.S. Case No. 187 of 2017** to the satisfaction of **Chief Judicial Magistrate, Banka**, or successor Court, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

If the petitioner fails to deposit the entire amount, i.e. Rs.10,21,163.50 within three months, from the date of his release,



the learned Court below shall, forthwith, cancel the bail bond of the petitioner and if the petitioner deposits the entire amount within the stipulated period, the provisional anticipatory bail shall be confirmed by the Court below, itself.

(Prabhat Kumar Jha, J)

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