

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3183 of 2017

Arising Out of PS.Case No. -126 Year- 2016 Thana -BIHARIGANJ District- MADHEPURA

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1. Kailash Mehra, son of late Singheshwar Mehra, resident of village- Sarauni Kala, P.S. Bihariganj, District- Madhepura.
 2. Amarkant Jha, son of late Sahdeo Jha, resident of village- Nohar, P.S. Gwalpara, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Bihar State Food and Civil Supplies Corporation Ltd. Bihar, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Ravi Shankar, Advocate

For the Opposite Party/s : Mr. Sakir Ahmad, APP

Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 24-03-2017

Heard learned counsel for the Petitioners and the State.

Petitioners apprehend their arrest in Bihariganj P.S.

Case No.126 of 2016 instituted under Section(s) 406, 409, 120-B Indian Penal Code pending in the Court of the Judicial Magistrate, 1st class, Uda Kishunganj, Madheprua.

It is alleged that the petitioner Nos.1 and 2 in the capacity of Chairman, Sarouni PACS and Manager, Sarouni PACS, respectively purchased 2399.98 quintals of paddy from different cultivators for the year 2015-16 and its CMR 1607.91 quintals ought to have been made available but the concerned PACS supplied only 841 quintals CMR and the rest 766.99



quintals CMR have not been supplied to the SFC. In this way, 1144.76 quintals paddy have been embezzled in connivance with both the accused persons. It is further alleged that the petitioners paid a sum of ₹18,19,373/- to the farmers through Bihar State Co-operative Bank Ltd, Branch Bihat.

Counsel for the petitioners has submitted that the petitioners have given paddy to Millers after agreement and fault lies with Millers, who have not supplied the rice. The petitioners have filed compliant for the same against the Millers.

Counsel for the BSFC submits that the complaint has been lodged by these petitioners against the Millers after lodging of the First Information Report against them.

This Court on the basis of the submissions made on behalf of the petitioners finds that it is admitted position on the part of the petitioners that 1144.76 quintals of paddy have not been deposited with the BSFC and the same have been embezzled.

In such circumstance, this Court does not find it a fit case for grant of anticipatory bail.

Prayer is **rejected**.

The petitioners may surrender before the Court below and seek regular bail, which shall be considered and disposed of on its own merit without being prejudiced by this



order.

(Sanjay Priya, J)

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