

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.47437 of 2017**

Arising Out of PS.Case No. -151 Year- 2017 Thana -ITADHI District- BUXAR

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Sri Mauli Chaubey @ Mauli Chaubey Son of Late Gupt Nath Chaubey,  
resident of Village+ P.O.- Fakharabad (Sarai), P.S. Kudra, District Kaimur.  
At present posted as Block Agriculture Officer, Sadar Chapra, P.S. Chapra,  
District Saran.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Arvind Kumar, Son of Lat Mahesh Prasad, District Manager, Bihar  
State Food and Civil Supplies Corporation, Buxar, P.S. & District  
Buxar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Jitendra Prasad Singh, Advocate  
For the BSFC : Mr. Harish Kumar, Advocate

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR  
SINGH**  
**ORAL ORDER**

02/ 17-10-2017

Heard learned counsel for the petitioner and

Mr. Harish Kumar, learned counsel for BSFC.

The petitioner is apprehending his arrest in  
a case registered for the offences punishable under Sections 406  
and 409 of the Indian Penal Code.

The accusation against the petitioner is that  
the petitioner being the then Block Agriculture Officer –cum-  
Incharge of Paddy Purchase Centre, Itarhi in 2011-12 has  
allowed Vishnu Rice Mill to supply 158 quintals less paddy  
worth Rs.2,01,465.35.

It is submitted by learned counsel for the



petitioner that the thrust of accusation is against the Rice Miller. It is the petitioner who pointed out the lapses at the initial stage of time. There is nothing on record to suggest that the petitioner derived any undue benefit in the whole transaction. Moreover, the supply was made in 2011-12, the FIR was registered in 2017. Above all, the petitioner is ready to deposit 50% of the alleged amount before BSFC within a period of six weeks.

Learned counsel for BSFC submits that the petitioner may be directed to deposit entire amount.

Considering the delayed lodging of the FIR, the present stand of the petitioner to deposit 50% of alleged amount and the fact that the thrust of accusation against the alleged Bishnu Rice Mill, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Buxar in connection with Itarhi P.S. Case No. 151 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bond of the petitioner will be



accepted by the learned Court below on deposit of 50% of alleged due amount i.e., Rs.2,01,465.35 by submitting draft in favour of Managing Director, BSFC within a period of six weeks, which will be subject to the result of the case.

**(Dinesh Kumar Singh, J)**

DKS/-

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