

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47487 of 2017

Arising Out of PS.Case No. -290 Year- 2016 Thana -DARBHANGA SADAR District-
DARBHANGA

=====

Kamakhya Narain Singh, son of late Bhuneshwewr Singh, resident of village-Kheraje Sahpur, P.O.-Lal Shahpur, P.S.-Sadar (Mabbi OP), District-Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar
2. Bihar State Food Supply Corporation Ltd.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate

For the Opposite Party/s : Smt. Asha Kumari, APP

Mr. Sanjeev Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6/ 18-12-2017

Heard learned counsel for the petitioner and learned

APP for the State as well as counsel for the BSFC.

Counter Affidavit has been filed by the counsel for the BSFC. Let it be kept with the record.

Petitioner apprehends his arrest in **Sadar P.S. Case No.290 of 2016** instituted for the offence under Section(s) 409 Indian Penal Code.

It is alleged in the written report that the petitioner, who was Chairman of Simra Nehalpur PACS, purchased 1220 quintal paddy. Vide letter no.3002 dated 04.12.2015 of Bihar State Cooperative Bank, he was allowed cash credit of Rs.6.12 lacs. As against the said strength of cash credit, petitioner has



taken credit of Rs.5,92,623/- for purchasing paddy. The Collector, Darbhanga, during inspection of PACS had found purchase of paddy as was intimated under letter no.434 dated 04.07.2016 in which 1220 quintal paddy was found on verification. It is alleged that CMR of the paddy was to be supplied up to 30.06.2016, but the petitioner has not supplied CMR. It is further alleged that during enquiry paddy was not found in the godown, which shows that the petitioner has illegally withdrawn the amount, which amounts to misappropriation.

Counsel for the BSFC was given time to file Counter Affidavit and intimate about the CMR to be supplied by the petitioner but no such information has been given by the BSFC in the Counter Affidavit filed today in Court. Counsel for the BSFC has submitted that he has no such instruction.

Counsel for the petitioner has submitted that as per Annexure-3, paddy was given to the Rice Miller. From Annexure-3, it appears that 1220 quintal of paddy was given to the Rice Miller, but the aforesaid Rice Miller has not been made accused by the informant in this case.

From the written report, it does not appear as to what quantity of the CMR was required to be deposited by this



petitioner. Mere vague allegation has been levelled that CMR of 1220 quintal paddy was not deposited by the petitioner.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Sadar P.S. Case No.290 of 2016**, he shall be released on anticipatory bail on furnishing bail bond of `10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Chief Judicial Magistrate, Darbhanga**, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

JA/-

U		T	
---	--	---	--



