

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45743 of 2017

Arising Out of PS.Case No. -40 Year- 2017 Thana -KAARAMCHAT SAHAYAK District-
BHABHUA (KAIMUR)

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Sri Laxman Singh, Son of Ramashish Singh, R/o Village- Siswar, P.S.-
Karamchat, District- Kaimur (Bhabua).

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Managing Director, Bihar State Food Corporation, Bihar at Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumit Singh, Advocate.
For the BSFC : Mr. Namrata Mishra, Advocate.
For the Opposite Party/s : Mr. Dilip Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 18-10-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Karamchat P.S.

Case No. 40 of 2017 instituted for the offence under Sections 409,
420 and 34 of the Indian Penal Code.

There is allegation against this petitioner that being
the Chairman of the PACS of Kudari in the block of Rampur, he
was given 11535 quintal of paddy but returned only 7728.45
quintal and the Bihar State Food and Civil Supplies Corporation
has informed that only 3271.60 quintal of CMR has been supplied
by the PACS. It is further alleged that he has misappropriated total
4883.10 quintal of paddy.

Learned counsel for the BSFC has filed counter



affidavit. In Paragraph-7 of the counter affidavit he has stated that forged signature of SFC officials was submitted with intention to get payment of CMR which was not supplied by Kudri PACS. He also pointed out the order of Hon'ble Supreme Court passed in Special Leave to Appeal (Crl.) No. 1779 of 2016 and analogous cases in which the Hon'ble Supreme Court has observed that in the event the petitioner furnish Bank Guarantee for loss, in that event he may be allowed to remain on anticipatory bail.

The counsel for BSFC in the counter affidavit has submitted that loss caused to the department of 4883.10 quintal of paddy comes to Rs.71,78,157/-.

Learned counsel for the petitioner has submitted that in terms of the order of Hon'ble Supreme Court, he is ready to furnish Bank Guarantee for the loss as alleged by BSFC till final conclusion of the case.

In such circumstances, the petitioner is directed to surrender before learned Additional Chief Judicial Magistrate-VIIth, Kaimur (Bhabhua) in connection with Karamchat P.S. Case No. 40 of 2017, within four weeks with an affidavit that he will furnish Bank Guarantee for loss suffered by the BSFC within a period of five months from his release and in that event, the court below will release the petitioner on Provisional Bail for a period



of five months and the same will be confirmed after furnishing the Bank Guarantee within the aforesaid period. The Bank Guarantee filed by the petitioner will be subject to the final decision of the case.

The application stands disposed off with aforesaid observations.

(Sanjay Priya, J)

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