

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2216 of 2017

Arising Out of PS.Case No. -99 Year- 2016 Thana -KOCH District- GAYA

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Ram Niwas Sharma, son of Sri Gyandutt Sharma, residnet of village-
Dumra, P.S.-Koch, District-Gaya

.... Petitioner/s

Versus

1. The State of Bihar
2. Gupteshwar Pd. Sharma, SGM/SFC, Konch, Gaya

.... Opposite Party/s

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Appearance :

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

For the Opposite Party No.1: Mr. Sri Rajkishore Singh, APP

For the Opposite Party No.2: Mr. Aditya Prakash Sahay, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5/ 08-03-2017

Heard learned counsel for the Petitioner and the
State.

Petitioner seeks bail in Koach P.S. Case No.99 of
2016 instituted under Section(s) 120-B, 188, 406, 409, 420, 467,
468 Indian Penal Code pending before the Chief Judicial
Magistrate, Gaya.

It is alleged in the written report lodged by Assistant
General Manager, SFC, Konch, Gaya, that as per terms of
agreement from different purchase centers, total ten thousand
quintals rice was made available to the rice mill of this petitioner.
As per agreement, 67% i.e. 6700 quintals CMR was to be
delivered by the petitioner, but he has delivered only 1618.00
quintals CMR within the time fixed and the remaining 5081.90



quintals CRM was not deposited by the petitioner in spite of repeated direction by the BSFC and in this way an amount of ₹1,10,05,159.37 became due with the petitioner at the rate of ₹2165.56 per quintal. The petitioner admitted the aforesaid dues and deposited ₹11,80,950.37, but did not deposit remaining amount causing loss to the State exchequer to the tune of ₹98,24,209.00.

It has been submitted by the petitioner that as per clause 10 of the agreement, second party will supply CMR to the first party. CMR received from the second party will be transported by the first party to the tagged depot of Food Corporation of India.

Counter Affidavit has been filed by the Opposite Party No.2, wherein, it has been stated that the petitioner did not deposit remaining 5081.90 quintal CMR and thereby caused loss of ₹1,10,05,159.37 calculated at the rate of ₹2,165.56 per quintal.

From the allegation in the written report and the Counter Affidavit filed by the Opposite Party No.2, it appears that the petitioner did not deposit 5081.90 quintal CMR in spite of several directions and in this manner caused loss of amount of ₹1,10,05,159.37 at the rate of ₹2,165.56 per quintal. The petitioner later on deposited ₹11,80,950.37 and has misappropriated



remaining ₹98,24,209.00.

Considering the nature of allegation, this Court is not inclined to enlarge the petitioner on bail.

Prayer for bail is **rejected**.

(Sanjay Priya, J)

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