

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4646 of 2017

Arising Out of PS.Case No. -2 Year- 2016 Thana -DHURAIYA District- BANKA

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Manoj Kumar Singh Son of Karu Prasad Singh, Resident of Village-
Birnauda, P.S.-Shambhuganj, District-Banka

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, State Food Corporation, Banka

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Krishna Chandra, Advocate
For the Opposite Parties : Mr. Brajendra Nath Pandey (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

6 12-04-2017 Heard learned counsel for the petitioner, learned

counsel for the BSFC and learned counsel representing the

State.

The petitioner seeks bail in connection with Dhoraiya
P.S. Case No. 02 of 2016 registered for the offences punishable
under Sections 409 & 420 of the Indian Penal Code.

Allegedly, the petitioner being the Block Agricultural
Officer-cum-In-charge of the Dhoraiya Purchase Centre,
purchased 65369 quintals of paddy but he supplied only 47410.99
quintals of paddy to different millers and 17958.01 quintals of
paddy remained with the petitioner. The petitioner did not supply
the aforesaid paddy to millers and misappropriated the entire
amount.



Submission is of false implication and that the District Manager, BSFC, wrote a letter to the petitioner to supply the paddy to M/S Ambey Rice Mill. On the basis of the aforesaid direction, the petitioner supplied 14911.44 quintals of paddy to Sri Ashok Kumar Sah, owner of M/S Ambey Rice Mill, who had earlier received 10880.56 quintals of paddy on the basis of Stock Issue Order (S.I.O.) but Sri Ashok Kumar Sah did not hand over the S.I.O. and he only put signature on challans of different truck drivers. The petitioner also made complain to the Manager of the BSFC but no reply was given. It would appear that petitioner informed the District Manager, BSFC that Sri Ashok Kumar Sah is not the owner of M/S Ambey Rice Mill and he illegally makes contract for milling the rice after taking paddy from the purchase Centre. Therefore, the petitioner is not at fault at any point of time. The petitioner is suffering in custody since 17.11.2016 and, as such, the petitioner deserves sympathetic consideration.

Learned counsel for the BSFC on the other hand opposes the prayer of bail by submitting that the petitioner has misappropriated 17958.01 quintals of paddy, the value of which comes to Rs. 3,05,28,600/- and without giving bank guarantee or money the petitioner cannot be released on bail.

In the facts and circumstances stated above,



considering the allegation attributed against the petitioner, I am not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected in connection with Dhoraiya P.S. Case No. 02 of 2016, pending in the court of learned Chief Judicial Magistrate, Banka.

(Jitendra Mohan Sharma, J.)

Rajiv/-

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