

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29168 of 2017

Arising Out of PS. Case No.-137 Year-2015 Thana- MOHANIA District- Bhabhua (Kaimur)

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Ashok Kumar Singh son of Kuldip Narayan Singh, resident of Village-
Bhopatpur, Pusauli, P.O.- Bhatti, P.S.- Mohania, District- Kaimur (Bhabhua).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food and Civil Supplies Corporation,
Kaimur at Bhabhua.

... .. Opposite Party/s

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Criminal Miscellaneous No. 30447 of 2017

Arising Out of PS. Case No.-65 Year-2015 Thana- KUDRA District- Bhabhua (Kaimur)

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Hira Sah, Son of Late Ramdhari Sah, resident of Dumri, P.O. Turki, P.S.-
Kudra, Dist-Kaimur (Bhabhua).

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, Bihar State Food and Civil Supplies Corporation,
Kaimur at Bhabhua

... .. Opposite Party/s

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Criminal Miscellaneous No. 29359 of 2017

Arising Out of PS. Case No.-286 Year-2016 Thana- MOHANIA District- Bhabhua (Kaimur)

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Sunil Sah son of Thakur Sah, resident of Village- Baghinikala, P.S.- Mohania,
District- Kaimur (Bhabhua).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food and Civil Supplies Corporation,
Kaimur at Bhabhua.

... .. Opposite Party/s

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Criminal Miscellaneous No. 40865 of 2017

Arising Out of PS. Case No.-157 Year-2015 Thana- BHABHUA District- Bhabhua (Kaimur)

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Chandrajeet Singh, son of Tribhuvan Singh, Proprietor of M/s Shankar ji Rice
Mill, Resident of Village- Bhabhua, P.S.- Kudra, District- Kaimur.



... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food and Civil Supplies Corporation, District- Kaimur.

... .. Opposite Party/s

Criminal Miscellaneous No. 39215 of 2017

Arising Out of PS. Case No.-116 Year-2015 Thana- MOHANIA District- Bhabhua (Kaimur)

Manoj Prasad Keshri Son of Ghura Prasad Keshri, R/o Village- Stuarganj, Mohania, P.S.- Mohania, District- Kaimur.

... .. Petitioner/s

Versus

1. The State of Bihar .
2. The District Manager, Bihar State Food & Civil Supplies Corporation Ltd. Kaimur.

... .. Opposite Party/s

Criminal Miscellaneous No. 30711 of 2017

Arising Out of PS. Case No.-95 Year-2015 Thana- KUDRA District- Bhabhua (Kaimur)

Prince Kumar Singh Son of Upendra Bahadur Singh, Resident of Village- Ghatya, P.S.- Kudra, Dist.- Kaimur (Bhabhua).

pradeepku

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District , Bihar State Food and Civil Supplies Corporation Kaimur at Bhabhua.

... .. Opposite Party/s

Criminal Miscellaneous No. 28800 of 2017

Arising Out of PS. Case No.-156 Year-2015 Thana- MOHANIA District- Bhabhua (Kaimur)

Manoj Kumar Gupta son of Late Ramjee Sah Proprietor of Maa Bhagwati Food Product Darwan, resident of Mohalla Darwan, P.S. - Mohania, District - Kaimur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food and Civil Supplies Corporation, Kaimur at Bhabua.



... .. Opposite Party/s

Criminal Miscellaneous No. 28812 of 2017

Arising Out of PS. Case No.-56 Year-2015 Thana- DURGAWATI District- Bhabhua (Kaimur)

Rajiv Kumar Singh @ Rajeev Kumar Singh Son of Ramdeo Singh, Resident of Village- Nuaon, P.S.- Durgawati, District- Kaimur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food and Civil Supplies Corporation, Kaimur at Bhabhua.

... .. Opposite Party/s

Criminal Miscellaneous No. 32884 of 2017

Arising Out of PS. Case No.-151 Year-2015 Thana- BHABHUA District- Bhabhua (Kaimur)

Arvind Tiwary S/o Sri Shyam Bihar Tiwari, Resident of Village-Dughara, P.S.-Sonhan, District-kaimur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Bihar State Food and Civil Supply Corporation Ltd. Kaimur (Bhabua).

... .. Opposite Party/s

Criminal Miscellaneous No. 30705 of 2017

Arising Out of PS. Case No.-129 Year-2012 Thana- RAMGARH District- Bhabhua (Kaimur)

Om Prakash Singh, S/o Late Damari Singh, resident of Village- Ramgarh, P.S.- Ramgarh, District- Kaimur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food and Civil Supply Corporation, Kaimur (Bhabua).

... .. Opposite Party/s

Criminal Miscellaneous No. 42756 of 2017

Arising Out of PS. Case No.-68 Year-2015 Thana- AADAPUR District- East Champaran



Vivek Kumar Singh son of Bindeshwari Singh, Proprietor- M/s- Trideo Rice Mill, Resident of Village- Barwa, P.O. and P.S.- Adapur, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd., Motihari, District- Motihari (East Champaran).

... .. Opposite Party/s

Criminal Miscellaneous No. 40738 of 2017

Arising Out of PS. Case No.-72 Year-2015 Thana- KUDRA District- Bhabhua (Kaimur)

Chandan Kumar Singh, Son of Santosh Kumar Singh, Proprietor of Maa Anupurna Mini Rice Mill, Resident of Village- Bajergona, P.S.- Kundra, Dist- Kaimur (Bhabhua).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food and Civil Supplies Corporation, Kaimur.

... .. Opposite Party/s

Criminal Miscellaneous No. 28666 of 2017

Arising Out of PS. Case No.-155 Year-2015 Thana- MOHANIA District- Bhabhua (Kaimur)

BRAJENDRA SINGH @ BIJENDRA SINGH @ BRIJENDRA SINGH, Son of Late Mayad Singh, resident of Village- Rajiyabandh, P.S. Mohania, Dist.- Kaimur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food and Civil Supplies Corporation, Kaimur at Bhabhua.

... .. Opposite Party/s

Criminal Miscellaneous No. 40759 of 2017

Arising Out of PS. Case No.-96 Year-2015 Thana- RAMGARH District- Bhabhua (Kaimur)

Satyendra Singh, Son of Late Ramavatar Singh, Proprietor of M/s Shivam Mini Rice Mill, Resident of Village- Baraura, P.S.- Ramgarh, Dist- Kaimur (Bhabhua).

... .. Petitioner/s



Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food and Civil Supplies Corporation, Kaimur at Bhabhua.

... .. Opposite Party/s

Criminal Miscellaneous No. 41215 of 2017

Arising Out of PS. Case No.-98 Year-2015 Thana- KUDRA District- Bhabhua (Kaimur)

Krishna Singh Son of Late Ramnagina Singh, Proprietor of M/s. Bina Mini Rice Mill, Resident of Village- Jehanabad, P.S.- Kudra, District- Kaimur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food and Civil Supplies Corporation, Kaimur.

... .. Opposite Party/s

Criminal Miscellaneous No. 40347 of 2017

Arising Out of PS. Case No.-119 Year-2015 Thana- KUDRA District- Bhabhua (Kaimur)

Ram Chandra Singh, Son of Late Baikunth Singh, Resident of Village- Lalapur, P.S. Kudra, District- Kaimur (Bhabhua).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, SFC Kaimur, Bhabua.

... .. Opposite Party/s

Criminal Miscellaneous No. 32742 of 2017

Arising Out of PS. Case No.-101 Year-2015 Thana- RAMGARH District- Bhabhua (Kaimur)

Meera Chaturvedi, W/o Suresh Chaturvedi @ Suresh Chandra Chaturvedi, the Proprietor of M/S Shubham Rice Udyog Ramgarh, Kaimur, residing at Village and P.S.-Ramgarh. District-Kaimur

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, The Bihar State Food & Civil Supplies Corporation Ltd. Bhabua, District-kaimur.

... .. Opposite Party/s

Criminal Miscellaneous No. 43078 of 2017pradeepku



Arising Out of PS. Case No.-154 Year-2016 Thana- KUDRA District- Bhabhua (Kaimur)

Manoj Sah, Son of Teju Sah, Proprietor of Shri Laxmi Ji Mini Rice Mill,
Resident of Village- Bel- Bhadra, P.S.- Kudra, District- Kaimur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food and Civil Supplies Corporation,
Kaimur.

... .. Opposite Party/s

Criminal Miscellaneous No. 29350 of 2017

Arising Out of PS. Case No.-139 Year-2015 Thana- MOHANIA District- Bhabhua (Kaimur)

Ram Pratap Singh S/o Late Raja Singh resident of Village - Pakdihar, P.S. -
Mohania, District - Kaimur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food and Civil Supply Corporation Ltd.
Kaimur (Bhabua).

... .. Opposite Party/s

Criminal Miscellaneous No. 41161 of 2017

Arising Out of PS. Case No.-164 Year-2015 Thana- MOHANIA District- Bhabhua (Kaimur)

Mithlesh Kumar @ Mithilesh Kumar

... .. Petitioner/s

Versus

State Of Bihar & Anrpradeepku

... .. Opposite Party/s

Criminal Miscellaneous No. 42273 of 2017

Arising Out of PS. Case No.-128 Year-2015 Thana- DUMRAUN District- Buxar

RAMPATI RAI @ RAMAPATI RAI son of- Ras Bihari Rai, M/s- Rampati
Interprises, Old Bhojpur, (Dumraon), resident of Village+ P.O.- Old Bhojpur,
P.S.- Dumraon, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar.



2. The District Manager, Bihar State Food and Civil Supplies Corporation, District- Buxar.

... .. Opposite Party/s

Criminal Miscellaneous No. 36852 of 2017

Arising Out of PS. Case No.-141 Year-2015 Thana- MOHANIA District- Bhabhua (Kaimur)

Himanshu Shekhar son of Narsingh Choudhary R/o Village - Baghini Kala, P.S. Mohania, Distt Kaimur (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Pramod Kumar Pathak S/o Late Uday Chandra Pathak R/o Sager, P.S. Mokhara, Distt - Sitamadhi the District Manager, State Food Corporation, Distt - Kaimur.

... .. Opposite Party/s

Criminal Miscellaneous No. 29219 of 2017

Arising Out of PS. Case No.-93 Year-2015 Thana- RAMGARH District- Bhabhua (Kaimur)

Uday Pratap Singh Son of late Ram Dayal Singh Resident of Village- Mahuar, P.S. - Ramgarh, District- Kaimur, Bhabhua.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food and Civil Supplies Corporation, Kaimur at Bhabhua.

... .. Opposite Party/s

Criminal Miscellaneous No. 42827 of 2017

Arising Out of PS. Case No.-120 Year-2015 Thana- KUDRA District- Bhabhua (Kaimur)

Om Praksh Rastogi son of Vijay Prakash Rastogi proprietor of Kisan Mini Rice Mill, Neuras, resident of Neuras, P.S. - Kudra, District - Kaimur (Bhabua).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food and Civil Supplies Corporation, Kaimur at Bhabua.

... .. Opposite Party/s

Criminal Miscellaneous No. 42755 of 2017



Arising Out of PS. Case No.-34 Year-2015 Thana- RAMGARHWA District- East Champaran

Narad Yadav, Son of Veera Yadav, Proprietor of M/s Jai Maa Durga Rice Mill,
Resident of Village- Ahrauliya, P.S.- Ramgarhwa, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd.,
Motihari, District- Motihari (East Champaran).

... .. Opposite Party/s

Criminal Miscellaneous No. 33492 of 2017

Arising Out of PS. Case No.-131 Year-2015 Thana- KUDRA District- Bhabhua (Kaimur)

Vinay Kumar Singh @ Vinay Kumar @ Vijay Kumar Singh S/o Jai Kunwar
Singh resident of Village - Devaria, P.S. - Kudra, District - Kaimur (Bhabua).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food and Civil Supply Corporation Ltd.,
Kaimur (Bhabua).

... .. Opposite Party/s

Criminal Miscellaneous No. 30428 of 2017

Arising Out of PS. Case No.-129 Year-2012 Thana- RAMGARH District- Bhabhua (Kaimur)

Shashi Bhushan Tiwary, S/o Umashankar Tiwari, resident of Village-
Narhan, P.S.- Ramgarh, District- Kaimur (Bhabua).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food and Civil Supply Corporation,
Kaimur (Bhabua).

... .. Opposite Party/s

Criminal Miscellaneous No. 42462 of 2017

Arising Out of PS. Case No.-62 Year-2015 Thana- AADAPUR District- East Champaran

Gena Lal Prasad Son of Late Bihari Lal Raut, Proprietor of M/S Amit Traders
Darpa, Resident of Village-Garhariya Kala, P.S.-Darpa, District-East
Champaran, District-East Champaran.

... .. Petitioner/s



Versus

1. The State of Bihar
2. The District Manager, Bihar State Food And Civil Supplies Corporation,
Motihari

... .. Opposite Party/s

Appearance :

(In Criminal Miscellaneous No. 29168 of 2017)

For the Petitioner/s : Mr. Sumeet Kumar Singh, Adv.

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

(In Criminal Miscellaneous No. 30447 of 2017)

For the Petitioner/s : Mr. Sumeet Kumar Singh, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

(In Criminal Miscellaneous No. 29359 of 2017)

For the Petitioner/s : Mr. Sumeet Kumar Singh, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

(In Criminal Miscellaneous No. 40865 of 2017)

For the Petitioner/s : Mr. Sumeet Kumar Singh, Adv.

For the Opposite Party/s : Mr. Mayanand Jha, APP

(In Criminal Miscellaneous No. 39215 of 2017)

For the Petitioner/s : Mr. Binod Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

(In Criminal Miscellaneous No. 30711 of 2017)

For the Petitioner/s : Mr. Sumeet Kumar Singh, Adv.

For the Opposite Party/s : Mr. Rajesh Kumar, APP

(In Criminal Miscellaneous No. 28800 of 2017)

For the Petitioner/s : Mr. Sumeet Kumar Singh, Adv.

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

(In Criminal Miscellaneous No. 28812 of 2017)

For the Petitioner/s : Mr. Sumeet Kumar Singh, Adv.

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

(In Criminal Miscellaneous No. 32884 of 2017)

For the Petitioner/s : Mr. Rakesh Singh, Adv.

For the Opposite Party/s : Mr. Ahmad Ali, APP

(In Criminal Miscellaneous No. 30705 of 2017)

For the Petitioner/s : Mr. Bhaskar Shankar, Adv.

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

(In Criminal Miscellaneous No. 42756 of 2017)

For the Petitioner/s : Mr. Sumeet Kumar Singh, Adv.

For the Opposite Party/s : Mr. Mayanand Jha, APP

(In Criminal Miscellaneous No. 40738 of 2017)

For the Petitioner/s : Mr. Sumeet Kumar Singh, Adv.

For the Opposite Party/s : Mr. Mayanand Jha, APP

(In Criminal Miscellaneous No. 28666 of 2017)

For the Petitioner/s : Mr. Sumeet Kumar Singh, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

(In Criminal Miscellaneous No. 40759 of 2017)

For the Petitioner/s : Mr. Sumeet Kumar Singh, Adv.

For the Opposite Party/s : Mr. Mayanand Jha, APP

(In Criminal Miscellaneous No. 41215 of 2017)

For the Petitioner/s : Mr. Sumeet Kumar Singh, Adv.

For the Opposite Party/s : Mr. Mayanand Jha, APP

(In Criminal Miscellaneous No. 40347 of 2017)

For the Petitioner/s : Mr. Dharmendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP



(In Criminal Miscellaneous No. 32742 of 2017)
For the Petitioner/s : Mr. Ajay Nandan Sahay, Adv.
For the Opposite Party/s : Mr. Madan Kumar, APP
(In Criminal Miscellaneous No. 43078 of 2017)
For the Petitioner/s : Mr. Sumeet Kumar Singh, Adv.
For the Opposite Party/s : Mr. Mayanand Jha, APP
(In Criminal Miscellaneous No. 29350 of 2017)
For the Petitioner/s : Mr. Bhaskar Shankar, Adv.
For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP
(In Criminal Miscellaneous No. 41161 of 2017)
For the Petitioner/s : Mr. Sumeet Kumar Singh, Adv.
For the Opposite Party/s : Mr. Mayanand Jha, APP
(In Criminal Miscellaneous No. 42273 of 2017)
For the Petitioner/s : Mr. Sumeet Kumar Singh, Adv.
For the Opposite Party/s : Mr. Mayanand Jha, APP
(In Criminal Miscellaneous No. 36852 of 2017)
For the Petitioner/s : Mr. Pancham lal Jaiswal, Adv.
For the Opposite Party/s : Mr. Shailendra Kumar -2, APP
(In Criminal Miscellaneous No. 29219 of 2017)
For the Petitioner/s : Mr. Sumeet Kumar Singh, Adv.
For the Opposite Party/s : Mr. Parmeshwar Mehta, APP
(In Criminal Miscellaneous No. 42827 of 2017)
For the Petitioner/s : Mr. Sumeet Kumar Singh, Adv.
For the Opposite Party/s : Mr. Mayanand Jha, APP
(In Criminal Miscellaneous No. 42755 of 2017)
For the Petitioner/s : Mr. Sumeet Kumar Singh, Adv.
For the Opposite Party/s : Mr. Mayanand Jha, APP
(In Criminal Miscellaneous No. 33492 of 2017)
For the Petitioner/s : Mr. Rakesh Singh, Adv.
For the Opposite Party/s : Mr. Ahmad Ali, APP
(In Criminal Miscellaneous No. 30428 of 2017)
For the Petitioner/s : Mr. Bhaskar Shankar, Adv.
For the Opposite Party/s : Mr. Murlidhar, APP
(In Criminal Miscellaneous No. 42462 of 2017)
For the Petitioner/s : Mr. Sumeet Kumar Singh, Adv.
For the Opposite Party/s : Mr. Pranav Kumar, APP
For the F.C.I. (In all cases) : Mr. Anjani Kumar, Sr. Adv.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 09-10-2017

Cr.Misc. No. 29168 of 2017 has been preferred by the petitioner Ashok Kumar Singh for quashing the order dated 31.05.2017 passed by the learned Chief Judicial Magistrate, Kaimur (Bhabua) in Mohania P.S.Case No. 137 of 2015 whereby



bail bond has been cancelled and non-bailable warrant of arrest has been issued against him.

2. In Cr.Misc. No. 28666 of 2017, a prayer has been made to quash the order dated 30.05.2017 passed by the learned Chief Judicial Magistrate, Kaimur (Bhabua) in Mohania P.S.Case No. 155 of 2015 whereby bail bond has been cancelled and non-bailable warrant of arrest has been issued against him.

3. In Cr.Misc. No. 28800 of 2017, a prayer has been made to quash the order dated 30.05.2017 passed by the learned Chief Judicial Magistrate, Kaimur (Bhabua) in Mohania P.S.Case No. 156 of 2015 whereby bail bond has been cancelled and non-bailable warrant of arrest has been issued against him.

4. In Cr.Misc. No. 29359 of 2017 the petitioner Sunil Sah has prayed for quashing the order dated 30.05.2017 passed by the learned Chief Judicial Magistrate, Kaimur (Bhabua) in Mohania P.S.Case No. 286 of 2016 whereby bail bond has been cancelled and non-bailable warrant of arrest has been issued against him.

5. In Cr.Misc. No. 40759 of 2017 the petitioner Satyendra Singh has prayed for quashing the order dated 13.06.2017 passed by the learned Additional Chief Judicial Magistrate, Kaimur (Bhabua) in Ramgarh P.S.Case No. 96 of 2015 whereby bail bond has been cancelled and non-bailable warrant of arrest has been issued against him.

6. In Cr.Misc. No. 42827 of 2017 a prayer has been made by the petitioner Om Prakash Rastogi for quashing the order dated 12.06.2017 passed by the learned Chief Judicial Magistrate, Kaimur (Bhabua) in Kudra P.S.Case No. 120 of 2015



whereby bail bond has been cancelled and non-bailable warrant of arrest has been issued against him.

7. In Cr.Misc. No. 43078 of 2017 the petitioner Manoj Sah has prayed for quashing the order dated 26.07.2017 passed by the learned Chief Judicial Magistrate, Kaimur (Bhabua) in Kudra P.S.Case No. 154 of 2016 whereby bail bond has been cancelled and non-bailable warrant of arrest has been issued against him.

8. In Cr.Misc. No. 42273 of 2017 the petitioner Rampati Rai @ Ramapati Rai has prayed for quashing the order dated 17.06.2017 passed by the learned Chief Judicial Magistrate, Buxar in Dumraon P.S.Case No. 128 of 2015 whereby bail bond has been cancelled and non-bailable warrant of arrest has been issued against him.

9. In Cr.Misc. No. 42756 of 2017 preferred by the petitioner Vivek Kumar Singh a prayer has been made for quashing the order dated 07.07.2017 passed by the learned Sub-Divisional Judicial Magistrate, Raxaul at Motihari in Aadapur P.S.Case No. 68 of 2015 registered under Sections 409 and 420 of the Indian Penal Code whereby bail bond has been cancelled and non-bailable warrant of arrest has been issued against him.

10. In Cr.Misc. No. 42755 of 2017 the petitioner Narad Yadav has prayed for quashing the order dated 07.07.2017 passed by the learned Sub-Divisional Judicial Magistrate, Raxaul at Motihari in Ramgarhwa P.S.Case No. 34 of 2015 whereby bail bond has been cancelled and non-bailable warrant of arrest has been issued against him.



11. In Cr.Misc. No. 39215 of 2017 the petitioner Manoj Prasad Keshri has prayed for quashing the order dated 06.07.2017 passed by the learned Chief Judicial Magistrate, Kaimur (Bhabua) in Mohania P.S.Case No. 116 of 2015 whereby bail bond has been cancelled and non-bailable warrant of arrest has been issued against him.

12. In Cr.Misc. No. 41215 of 2017 the petitioner Krishna Singh has prayed for quashing the order dated 05.06.2017 passed by the learned Chief Judicial Magistrate, Kaimur (Bhabua) in Kudra P.S.Case No. 98 of 2015 whereby bail bond has been cancelled and non-bailable warrant of arrest has been issued against him.

13. In Cr.Misc. No. 41161 of 2017 the petitioner Mithlesh Kumar @ Mithilesh Kumar has prayed for quashing the order dated 13.06.2017 passed by the learned Chief Judicial Magistrate, Kaimur (Bhabua) in Mohania P.S.Case No. 164 of 2015 whereby bail bond has been cancelled and non-bailable warrant of arrest has been issued against him.

14. In Cr.Misc. No. 40865 of 2017 the petitioner Chandrajeet Singh has prayed for quashing the order dated 06.06.2017 passed by the learned Chief Judicial Magistrate, Kaimur (Bhabua) in Bhabua P.S.Case No. 157 of 2015 whereby bail bond has been cancelled and non-bailable warrant of arrest has been issued against him.

15. In Cr.Misc. No. 40347 of 2017 the petitioner Ram Chandra Singh has prayed for quashing the order dated 22.07.2017 passed by the learned Chief Judicial Magistrate, Kaimur (Bhabua) in Kudra P.S.Case No. 119 of 2015 whereby bail bond has been cancelled and non-bailable warrant of arrest has been issued against him.



16. In Cr.Misc. No. 30447 of 2017 the petitioner Hira Sah has prayed for quashing the order dated 01.06.2017 passed by the learned Chief Judicial Magistrate, Kaimur (Bhabua) in Kudra P.S.Case No. 65 of 2015 whereby bail bond has been cancelled and non-bailable warrant of arrest has been issued against him.

17. In Cr.Misc. No. 33492 of 2017 the petitioner Vinay Kumar Singh @ Vinay Kumar @ Vijay Kumar Singh has prayed for quashing the order dated 30.05.2017 passed by the learned Chief Judicial Magistrate, Kaimur (Bhabua) in Kudra P.S.Case No. 131 of 2015 registered under Sections 409 and 420 of the Indian penal Code (for short 'IPC') whereby bail bond has been cancelled and non-bailable warrant of arrest has been issued against him. The petitioner has also prayed for quashing of the order dated 21.06.2017 passed by the learned Sessions Judge, Kaimur (Bhabua) in Cr.Rev. No. 106 of 2017 whereby, while dismissing the revision petition, the order of the learned Magistrate cancelling his bail bond has been affirmed.

18. In Cr.Misc. No. 29350 of 2017 a prayer has been made by the petitioner Ram Pratap Singh for quashing the order dated 30.05.2017 passed by the learned Chief Judicial Magistrate, Kaimur (Bhabua) in Mohania P.S.Case No. 139 of 2015 whereby bail bond has been cancelled and non-bailable warrant of arrest has been issued against him.

19. In Cr.Misc. No. 32884 of 2017 a prayer has been made by the petitioner Arvind Tiwary for quashing the order dated 29.05.2017 passed by the learned Chief Judicial Magistrate, Kaimur (Bhabua) in Bhabua P.S.Case No. 151 of 2015 registered under Sections 409 and 420 of the IPC whereby bail bond has been cancelled and



non-bailable warrant of arrest has been issued against him. The petitioner has also prayed for quashing of the order dated 21.06.2017 passed by the learned Sessions Judge, Kaimur (Bhabua) in Cr.Rev. No. 117 of 2017 whereby, while dismissing the revision petition, the order of the learned Magistrate cancelling his bail bond has been affirmed.

20. In Cr.Misc. No. 30428 of 2017 a prayer has been made by the petitioner Shashi Bhushan Tiwary for quashing the order dated 07.06.2017 passed by the learned Chief Judicial Magistrate, Kaimur (Bhabua) in Ramgarh P.S.Case No. 129 of 2012 registered under Sections 406 and 409 of the IPC whereby bail bond has been cancelled and non-bailable warrant of arrest has been issued against him.

21. In Cr.Misc. No. 30705 of 2017 the petitioner Om Prakash Singh has prayed for quashing the order dated 07.06.2017 passed by the learned Chief Judicial Magistrate, Kaimur (Bhabua) in Ramgarh P.S.Case No. 129 of 2012 registered under Sections 406 and 409 of the IPC whereby bail bond has been cancelled and non-bailable warrant of arrest has been issued against him.

22. In Cr.Misc. No. 42462 of 2017 the petitioner Gena Lal Prasad has prayed for quashing the order dated 07.07.2017 passed by the learned Sub-Divisional Judicial Magistrate, Raxaul at Motihari in Adapur P.S.Case No. 62 of 2015 registered under Sections 409 and 420 of the IPC whereby bail bond has been cancelled and non-bailable warrant of arrest has been issued against him.

23. In Cr.Misc. No. 29219 of 2017 a prayer has been made by the petitioner Uday Pratap Singh for quashing the order dated 30.05.2017 passed by the learned



Additional Chief Judicial Magistrate 1st, Kaimur (Bhabua) in Ramgarh P.S.Case No. 93 of 2015 whereby bail bond has been cancelled and non-bailable warrant of arrest has been issued against him.

24. In Cr.Misc. No. 30711 of 2017 a prayer has been made by the petitioner Prince Kumar Singh for quashing the order dated 05.06.2017 passed by the learned Chief Judicial Magistrate, Kaimur (Bhabua) in Kudra P.S.Case No. 95 of 2015 whereby bail bond has been cancelled and non-bailable warrant of arrest has been issued against him.

25. In Cr.Misc. No. 28812 of 2017 the petitioner Rajiv Kumar Singh @ Rajeev Kumar Singh has made a prayer for quashing the order dated 01.06.2017 passed by the learned Chief Judicial Magistrate, Kaimur (Bhabua) in Durgawati P.S.Case No. 56 of 2015 registered under Sections 409 and 420 of the IPC whereby bail bond has been cancelled and non-bailable warrant of arrest has been issued against him.

26. In Cr.Misc. No. 36852 of 2017 a prayer has been made by the petitioner Himanshu Shekhar for quashing the order dated 05.06.2017 passed by the learned Chief Judicial Magistrate, Kaimur (Bhabua) in Mohania P.S.Case No. 141 of 2015 registered under Sections 409 and 420 of the IPC whereby bail bond has been cancelled and non-bailable warrant of arrest has been issued against him.

27. In Cr.Misc. No. 32742 of 2017 the petitioner Meera Chaturvedi has prayed for quashing the order dated 02.06.2017 passed by the learned Additional Chief Judicial Magistrate- I, Kaimur (Bhabua) in Ramgarh P.S.Case No. 101 of 2015



whereby bail bond has been cancelled and non-bailable warrant of arrest has been issued against him.

28. In Cr.Misc. No. 40738 of 2017 a prayer has been made by the petitioner Chandan Kumar Singh for quashing the order dated 01.06.2017 passed by the learned Chief Judicial Magistrate, Kaimur (Bhabua) in Kudra P.S.Case No. 72 of 2015 whereby bail bond has been cancelled and non-bailable warrant of arrest has been issued against him.

29. The petitioners of these cases are proprietors of different firms involved in the business of custom milling of paddy. The informants are the officers of the Bihar State Food and Civil Supplies Corporation (for short 'Corporation'), which procures paddy, entrusts it to the persons/firms that have capacity for storage and electric plant and machinery for milling the paddy and for its consequent conversion into rice. The Corporation procures paddy whereafter it is stored in the godown belonging to the Corporation and thereafter allocated for milling to the rice millers like the petitioners. The rice millers after milling and processing the paddy are required to return the rice in accordance with the terms and conditions of the agreement executed between the parties.

30. The reason for institution of the FIRs against the petitioners is that after milling the rice was either not returned or was returned partly.

31. All these petitioners filed applications for grant of pre-arrest bail and their applications were allowed by various orders passed by this Court on condition of deposit of 10 to 20% of the amount alleged to be involved in different cases.



32. It is pertinent to note here that more than 1000 cases of identical nature have been instituted in the State of Bihar in different Police Stations against the concerned accused persons and on identical terms most of them have been granted pre-arrest bail/ bail by this Court.

33. The State of Bihar/Corporation being aggrieved by the orders granting pre-arrest bail/ bail to the accused persons filed almost 252 SLPs before the Supreme Court. The Supreme Court, after hearing the parties, in SLP(Cr.) No. 1779 of 2016 and analogous cases, passed a common order dated 28.02.2017 disposing of 252 cases.

34. The aforesaid order of the Supreme Court dated 28.02.2017 reads as under :-

“Heard.

Permission granted.

Delay condoned.

These petitions have been preferred by the State of Bihar/Bihar State Food Civil Supplies Corporation against orders granting anticipatory bail/bail, in connection with cases, the facts of which are identical.

It has been stated by Mr. Siddharth Luthra, learned senior counsel appearing for the State/Corporation, that a sum of Rupees fifteen hundred crores in all has been allegedly misappropriated by the accused for which 600 FIRs have been filed. According to the case of the State, agreements for milling of paddy were entered into with different rice mills in pursuance of which paddy was handed over for milling but the rice from the milled paddy was not returned or was returned partly. Thus, there is misappropriation to a huge extent. In such circumstances, grant of anticipatory bail/bail will seriously hamper the investigation/trial resulting in huge loss to the State.

Our attention has been drawn to the Deed of Agreement. Clause 3 thereof provides for furnishing of bank guarantee for the value of paddy, which is taken for milling, or for pledging of the



immovable property of the value of the paddy. There is also provision in clause 12 that in case of default of terms of agreement the bank guarantee can be forfeited and legal action initiated for recovery of the amount from the mortgaged immovable property.

The High Court has passed an order for deposit of 10 to 20 % of the amount, alleged to be involved in different cases for grant of bail/anticipatory bail.

Since the anticipatory bail/bail was granted more than one year back and financial interest of the State is or can be secured, we are not inclined to cancel the anticipatory bail/bail but modify the order of granting of anticipatory bail/bail conditional adding conditions as follows:

(1) The accused in all the FIR(s), will ensure that bank guarantee, if not furnished, is furnished and if lapsed, is renewed within a period of one month from today failing which the anticipatory bail/bail granted will stand cancelled.

(2) The accused will cooperate with investigation/trial and their failure to appear, when required, will be a ground for cancellation of anticipatory bail/bail. An order of cancellation will be passed by the trial court on being satisfied about such failure.

(3) The investigation will be completed within a period of three months.

(4) All the accused will be tried only at five places viz. Patna, Gaya, Chhapra, Darbhanga and Purnia by officers of the appropriate rank determined by the High Court within one week from today. The High Court may specify the area of jurisdiction of the said five courts by a public order. If required by the High Court, the State Government may sanction extra strength of officers with requisite infrastructure so that normal work of courts is not disturbed on account of the special arrangement for these cases.

(5) The officers posted will deal with these cases exclusively. If free from their work, any other work may be assigned to the said officers.

(6) The concerned authorities will be at liberty to encash the bank guarantee(s) after holding that there is a breach of terms of the agreement which decision will be subject to appropriate remedies of the parties.



(7) If not otherwise encashed, the bank guarantee will be kept alive till the trial is over. However, deposits/furnishing of bank guarantees will be abide by further orders of the trial court, interim or final.

(8) If any amount is deposited by the accused, the said amount will be adjusted in the amount of the bank guarantee, which is to be furnished by the accused.

(9) The accused will surrender their passports to the respective courts within a period of four weeks from today and will not leave the country without prior permission from the concerned court.

On compliance of the above order, if any accused is in custody, he will be granted bail in accordance with law.

Any other proceedings between the parties will remain unaffected by this order and the same can proceed in accordance with law.

The trial court/High Court will be at liberty to pass any further order which it considers appropriate, having regard to the individual fact situation or modify the above directions in exigencies of the situation.

The special leave petitions are disposed of accordingly.

Pending applications, if any, shall also stand disposed of.”

35. There are two types of cases before this Court. In some of the cases, the orders granting pre-arrest bail passed by this Court were challenged before the Supreme Court by the State/Corporation and in some other cases, the State/Corporation did not challenge the orders granting pre-arrest bail to the petitioners.

36. The matters in which the State/Corporation did not move before the Supreme Court against the orders passed by this Court under Section 438 of the Cr.P.C. are Cr.Misc. Nos. 39215 of 2017, 32742 of 2017, 33492 of 2017, 29350 of 2017, 32884 of 2017, 30428 of 2017, 30705 of 2017, 29168 of 2017, 29219 of 2017,



29359 of 2017, 30711 of 2017, 28812 of 2017, 40759 of 2017, 40865 of 2017, 30477 of 2017, 41215 of 2017, 41161 of 2017, 40738 of 2017 and 43078 of 2017. In rest of the cases the State/Corporation had challenged the orders passed by this Court before the Supreme Court.

37. Learned counsel for the petitioners representing the second type of cases submitted that since the petitioners were not party before the Supreme Court in SLP (Cr.) No. 1779 of 2016 and analogous cases, cancellation of their bail in terms of the order dated 28.02.2017 passed by the concerned court is bad in law. The cases in which the petitioners were made party before the Supreme Court, it has been argued that since they have already pledged the property of the value of paddy, their bail already granted earlier ought not to have been cancelled by the courts concerned. They have also argued that prior to cancellation of bail and issuance of warrant, the petitioners were not noticed by the courts and, hence, such orders cancelling their bail are vitiated in law. They have further submitted that by the aforesaid order dated 28.02.2017, the Supreme Court has granted liberty to the trial courts as well as High Court to pass any order, which it considers appropriate having regard to the individual fact situation or modify the directions in exigencies of the situation. They submitted that in the light of the order of the Supreme Court this Court may modify the directions given by the Supreme Court. They submitted that the petitioners would suffer irreparable loss if the orders passed by the courts below cancelling their bail are not set aside and the direction given by the Supreme Court to furnish bank guarantee is not modified.



38. On the other hand, Mr. Anjani Kumar, learned Senior Advocate for the Corporation submitted that in view of the order dated 28.02.2017 passed by the Supreme Court, no notice was required to be issued to the parties prior to cancellation of bail. He submitted that in absence of compliance with the directions given by the Supreme Court, the bail granted to the petitioners automatically stood cancelled and no formal order in this regard was required to be passed by the courts concerned. He has further contended that the order passed by the Supreme Court does not only relate to the matters which were challenged before the Supreme Court, but other identical matters also.

39. Dr. Mayanand Jha, Learned Additional Public Prosecutor appearing for the State has adopted the submissions made by the learned counsel for the Corporation.

40. Having considered the rival submissions made on behalf of the parties and perused the order dated 28.02.2017 passed by the Supreme Court, I find substance in the submission made by the learned counsel for the Corporation.

41. From a plain language of the order dated 28.02.2017 passed by the Supreme Court, it would be evident that the order binds all concerned and not only the parties before the Supreme Court. In operative part of the order dated 28.02.2017, while declining to cancel the anticipatory bail/bail, the Supreme Court modified the order of grant of anticipatory bail/bail adding certain conditions. It would be amply clear from the reading of condition no.(1) that it does not cover the matter which was challenged before the Supreme Court by the State of Bihar/Corporation but other



identical matters also. It refers to “all the FIR(s)”. Further, condition no. (4) makes it clear that the direction is binding on all as the Supreme Court has directed that “all the accused” will be tried only at five places viz. Patna, Gaya, Chapra, Darbhanga and Purnea by the officers of the appropriate rank determined by the High Court. The High Court has also been given liberty to specify the area of jurisdiction of the said five courts by a public order. It has also been ordered that if required by the High Court, the State Government may sanction extra strength of officers with requisite infrastructure so that normal work of courts is not disturbed on account of the special arrangement for these cases. Furthermore, after condition no. (9), a general direction has been given to the trial court that on compliance of the order, if “any accused” is in custody, he will be granted bail in accordance with law. Apparently, the order passed by the Supreme Court is an order in rem in respect of the cases of identical nature filed before different police stations of Bihar.

42. Thus, I see no merit in the submission of the learned counsel for the petitioners that the aforesaid order would not bind the petitioners, who were not parties before the Supreme Court.

43. So far as the point of pledging of property for the value of paddy in lieu of bank guarantee, and non-requirement of bank guarantee in such cases are concerned, they were already raised before the Supreme Court by the rice millers, which is evident from the plain reading of the order of the Supreme Court, but the Supreme Court did not accept their contention and passed order for deposit of bank guarantee.



44. So far as the question of issuance of notice or summons before cancelling the bail and issuance of warrant of arrest by the courts below as argued by the learned counsel for the petitioners are concerned, in the opinion of this Court, no notice was required to be issued to the accused persons and no formal order of cancellation of bail was required to be passed by the trial court, as under condition no. (1), it has categorically been held that the accused in all the FIR(s) will ensure that bank guarantee, if not furnished, is furnished and if lapsed, is renewed within a period of one month from today failing which the anticipatory bail/bail granted will stand cancelled. As the petitioners admittedly did not furnish bank guarantee within the period stipulated, their anticipatory bail already granted stood automatically cancelled by virtue of the order of the Supreme Court. Further, if the bail itself stood cancelled, I see no illegality in issuance of warrant by the courts below, as the offences alleged are warrant triable cases. In warrant triable cases, if the terms and conditions of anticipatory bail/bail are violated, the court is empowered to issue warrant of arrest. Therefore, the impugned orders cannot be faulted on that score too.

45. So far as the liberty granted to this Court to modify the directions issued by the Supreme Court is concerned, as the order of the Supreme Court has already taken effect and the pre-arrest bail granted to the petitioners already stood cancelled, it is not permissible for this Court to modify the directions issued by the Supreme Court. May be that in appropriate case, having regard to the individual fact situation, in view of the liberty granted by the Supreme Court, this Court could have modified any condition if the petitioner(s) would have approached this Court in time. However,



such a recourse would be impermissible once the order of the Supreme Court has taken its effect. I am also of the opinion that if the petitioners are aggrieved by the order of the Supreme Court regarding deposit of bank guarantee, the only course left to them is to approach the Supreme Court and till the time the order of the Supreme Court stands, the petitioners, whether they were party before the Supreme Court or not have to abide by its orders.

46. Having regard to the discussions made above, the orders under challenge warrant no interference by this Court in exercise of power under Section 482 of the Code of Criminal Procedure, which is to be exercised sparingly just in order to prevent abuse of the process of law.

45. However, considering the fact that the Supreme Court itself has directed that on compliance of the directions given in its order dated 28.02.2017, if any accused is in custody, he will be granted bail in accordance with law, I would like to observe that in case the petitioners, whose pre-arrest bail stood cancelled, comply with the directions given by the Supreme Court and surrender before the court, they should be granted bail in accordance with law.

46. With the aforesaid observation, these applications stand dismissed.

pradeep/-

(Ashwani Kumar Singh, J)

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	10-10-2017
Transmission Date	10-10-2017

