

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35291 of 2017

Arising Out of PS. Case No.-111 Year-2015 Thana- SAUR BAZAR District- Saharsa

Prop. Sahindra Kumar Yadav, Son of Late Parmeshwari Yadav, Proprietor of
A One Rice Mill, R/o Bhagwanpur, P.S.- Saur Bazar, District- Saharsa.

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Prajesh Kumar
For the State	:	Mr. Shyameshwar Dayal, APP
For BSFC	:	Mr. Shailendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

15 30-03-2018 Heard learned counsel for the parties.

Petitioner, already in custody, seeks bail in connection with
Saur Bazar P.S. Case No.111 of 2015, registered under Sections
406, 409 and 420 of the Indian Penal Code.

Allegation in brief is that the petitioner, a rice miller,
entered into an agreement and as per it 17,000 quintals of paddy
supplied to him to return back CMR 11,390 quintals of rice after
milling. The agreement was for the financial year 2012-13.
However, by 2015 till the lodging of the FIR, the petitioner
deposited only 1621.20 quintals of CMR rice, so as per the
prosecution case 9768.80 quintals of rice worth value of
Rs.2,11,54,923/- was misappropriated by the petitioner as not
deposited.



Learned counsel for the petitioner submits that the petitioner was granted anticipatory bail earlier by this Court but later on it was cancelled in view of the order of the Apex Court dated 28.02.2017 passed in Special Leave to Appeal (Cri.) No(s). 1779/2016. The petitioner surrendered on 13.02.2017 and he was granted provisional bail by order dated 12.12.2017 by a coordinate Bench of this Court for three months in order to provide him opportunity to reconcile the disputed quantity of paddy supplied to him. It is further submitted that in fact the petitioner has only received 7000 quintals of paddy and has deposited 1621.20 quintals of CMR rice; whereas learned counsel appearing on behalf of BSFC submits that the petitioner has received 17,000 quintals of paddy and refers to Store Issue Order of the paddy wherein the petitioner has acknowledged receiving of 15,000 quintals of paddy at the first instance and other acknowledgment of receipt regarding 2000 quintals of paddy. Even no reply to the notice issued by the BSFC was sent back by the petitioner. It is also submitted that the State of Bihar challenged the grant of anticipatory bail to the rice millers before the Apex Court and the Apex Court by order dated 28.02.2017 passed in Special Leave to Appeal (Cri.) No(s). 1779/2016 directed to take bank guarantee to the tune of the



value of the paddy taken for milling but the said bank guarantee has not been furnished by the petitioner. Only 1,00,000/- has been furnished as a bank guarantee instead of Rs.2,11,54,923/- as per the FIR.

Having considered the aforesaid facts and circumstances and the fact that the petitioner has not furnished the bank guarantee and even not willing to furnish worth value of the rice due on him, so the prayer of bail of the petitioner is presently rejected in connection with Saur Bazar P.S. Case No.111 of 2015, pending in the court of learned CJM, Saharsa and the petitioner is directed to surrender before the court below, if not, the court shall take all coercive steps.

However, the petitioner may renew the prayer of bail if intends to furnish the bank guarantee to the amount alleged to have been misappropriated.

(Arun Kumar, J)

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