

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52301 of 2017

Arising Out of PS.Case No. -36 Year- 2015 Thana -GWALPARA District- MADHEPURA

- =====
1. Ashok Kumar Nidhi, son of late Lakshman Nidhi, resident of village-Rohar, P.S. Biraul, District-Darbhanga, the then District Manager, Bihar State Food and Civil Supplies Corporation, Madhepura, District-Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar
2. Bihar State Food & Civil Supplies Corporation Ltd.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ramchandra Sahani, APP
For the BSFC : Mr. Harish Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

7/ 09-02-2018

Heard learned counsel for the petitioner and learned
APP for the State as well as counsel for the BSFC.

Petitioner apprehends his arrest in **Gawalpara P.S.**

Case No.36 of 2015 instituted for the offence under Section(s)
406, 420, 409 Indian Penal Code.

It is alleged in the written that Suresh Kumar Yadav,
being Proprietor of Maa Kali Rice Mill, had to deposit 584.792
quintals CMR during Kharif year 2012-13 to the State Food
Corporation, Madhepura, but neither the aforesaid CMR nor its
price has been deposited.

Counsel for the BSFC has submitted that this



petitioner was District Manager at the relevant time and he has supplied paddy in excess to the direction given by the higher authorities in terms of Anenxure-2.

Counsel for the petitioner has filed Supplementary Affidavit and has stated that he has already instituted certificate case against the miller vide Case No.14/2014-15 for not depositing the rice. It has further been submitted that paddy was supplied to the miller by this petitioner after taking proper property guarantee as mentioned in para 4 of the Supplementary Affidavit filed earlier on behalf of the petitioner. It has been submitted in para 4 of the Supplementary Affidavit that present valuation of the property guarantee is more than rupees two crores, whereas, the paddy was supplied of worth about rupees one crore twenty one thousand. It is also submitted that on account of coercive step taken by this petitioner the miller has deposited Rs.70,000/- against the CMR. Petitioner has already retired from service in the month of January, 2017.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Gawalpara P.S. Case No.36 of 2015**, he shall be released on anticipatory bail on



furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Special Judicial Magistrate, Darbhanga**, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions:
(1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

JA/-

U		T	
---	--	---	--

