

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2788 of 2018

Arising Out of PS.Case No. -254 Year- 2013 Thana -JOGAPATTI District-
WESTCHAMPARAN(BETTIAH)

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1. Jitendra Prasad S/o Late Jawahar Sah, R/o Village-Mandhatapur, P.s. Srinagar, District-West Champaran, A/p Village-Navgawan, P.S. Yogapatti, Distt.-West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma

For the Opposite Party/s : Mr. Sri Kumar Ranjit Ranjan

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 24-01-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Jogapatti P.S. Case No. 254 of 2013 instituted for the offence under Sections-420, 406 of the Indian Penal Code.

There is allegation against this petitioner that the petitioner being proprietor of M/S Vivek Rice Mill, Yogapatti was supplied 4430.80 quintals of paddy from 08-02-2012 to 28-03-2012 from Purchase Center, Yogapatti as mentioned in the written report against which, the petitioner had to supply rice 2968 quintal 63 k.g. and 600 gram i.e. 67% of 4430.80 quintals of paddy but the petitioner supplied only 1080 quintals of rice to FCI, Chanpatia. The balance rice weighing 1888.63.600 quintals were not supplied. The physical verification of rice mill of the petitioner was made in which Rice Mill of the petitioner



was found closed. The petitioner has misappropriated the government money equivalent to 1888.63.600 quintals of rice and black marketing was done.

Counsel for the petitioner has pointed out towards Annexure-3 which is agreement between the BSFC and this petitioner and in Clause 2, it is mentioned that after delivery of advance rice proportionate paddy will be issued to the miller by BSFC Bettiah. Counsel for the petitioner has further submitted that relying on the aforesaid agreement, some other co accused in different cases have been granted anticipatory bail by a coordinate bench of this court vide order dated 13-12-2013 passed in Cr. Misc. No. 21097 of 2013. Counsel for petitioner has also submitted that certificate case has been filed for recovery of the amount.

This court finds that order of other accused in some different cases will not effect the merit of this case. From the allegation made in the written report, it appears that there is specific allegation of misappropriation of government money against the petitioner. The petitioner did not supply 1888.63.600 quintals of rice and, has misappropriated the price of said rice.

In such circumstances, this anticipatory bail petition is disposed off with direction that in the event, the petitioner becomes ready to furnish bank guarantee with regard to the amount of loss of government money as mentioned in the written report in the light of direction of Hon'ble Supreme Court passed in SLP (Cr) 1779 of 2016



dated 28-02-2017 and BSFC certifies that he has submitted bank guarantee of aforesaid amount within a period of six weeks from the date of receipt of the order in the court below on his surrender, the court below will consider the prayer of bail of petitioner in accordance with judgment of Hon’ble Supreme Court and dispose off the same preferably on same day.

In the event, the petitioner does not furnish the bank guarantee in the light of judgment of Hon’ble Supreme Court, the court below will be at liberty to pass appropriate order in accordance with law without taking into consideration the aforesaid observation of this court.

(Sanjay Priya, J)

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