

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10485 of 2018

Arising Out of PS. Case No.-199 Year-2017 Thana- KUDRA District- Bhabhua (Kaimur)

Ram Sujjan Kumar S/o Sri Raj Kishore Singh, R/o Village- Dalahripur, P.O.-
Budhwa, P.S.- Alauli, District- Khagaria.

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amar Nath Singh with Mr. Amrendra Narayan
Rai, Advocates.

For the State : Mr. Nawal Kishore Prasad APP

For the BSFC : Mr. Harish Kumar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

7 20-06-2018 Heard learned counsel for the petitioner, State and the BSFC.

The petitioner apprehends arrest in Kudra P.S. case no. 199 of
2017 instituted for the offence under Section(s) 409 and 420 of the
Indian Penal Code pending in the Court of the learned CJM Kaimur
at Bhabhua .

It is alleged against this petitioner that he did not deliver
903.58 quintals of paddy to the auction purchaser even after receipt
of several notices sent from the BSFC as mentioned in the written
report and thereby caused a loss of Rs. 15,50,064/- to the State Food
Corporation. The another allegation against the petitioner is that he
committed embezzlement of Rs. 02,05,84,228/- by selling 23,246
quintals of paddy at the rate of Rs. 885.47 per quintal whereas the
SFC fixed the minimum rate of auction for Rs. 1715.47 per quintal
for the concerned year.



Learned counsel for the petitioner has submitted that the price was fixed by the committee. The petitioner has not supplied 903.58 quintals of paddy to the auction purchaser because the same was damaged on account of no facility of proper storage.

Learned counsel for the petitioner has further submitted that he has filed a writ petition against the demand order send by the authority which is pending in the Hon'ble Court .

This Court is of the view that by filing the writ petition the petitioner cannot be exonerated from the criminal liability as alleged in the written report. It is alleged in the written report that 903.58 quintals of paddy was not supplied to the auction purchaser on account of which an amount of Rs. 15,50,064/- was misappropriated. Petitioner is avoiding the liability by adopting different means and has taken a plea that he has filed a writ petition. This Court does not find it a fit case for grant of anticipatory bail.

Prayer for anticipatory bail is rejected.

Petitioner may surrender before the Court below and make prayer for regular bail which shall be considered and disposed of on its own merit in accordance with law without being prejudiced by the present order.

(Sanjay Priya, J)

shyambihari/-

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

