

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22737 of 2018

Arising Out of PS.Case No. -178 Year- 2017 Thana -PAROO District- MUZAFFARPUR

- =====
1. Pawan Kumar @ Pawan, S/o Shree Shambhu Nath Singh, Chairman, Pandeh PACS,
 2. Ajeet Kumar @ Ajit Kumar, S/o Shree Shambhu Nath Singh, Manager, Pandeh PACS,
- Both Resident of Village- Gokhula, P.S.- Paroo, District- Muzaffarpur.

.... Petitioner/s

Versus

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

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saket Tiwary, Advocate.
For the BSFC : Mr. Sanjay Prasad, Advocate.
For the Opposite Party/s : Mr. S. Ehteshamuddin, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 26-06-2018 Supplementary affidavit has been filed on behalf of the petitioner. Let it be kept on the record.

Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in **Paroo P.S. Case No. 178 of 2017** instituted for the offence under Sections 406, 409 and 420 of the Indian Penal Code.

The allegation against the petitioners is that being Chairman and PACS Manager, they have purchased 1705 quintals of paddy from 26 farmers in the year 2016-17. Against 1705 quintals of paddy, only 1142.35 quintals of CMR was transferred to S.F.C. but the Pandeh PACS only supplied 1110 quintal of paddy to the aforesaid Rice Mill and misappropriated 595 quintal of paddy.



Supplementary affidavit has been filed on behalf of the petitioner wherein it has been submitted in paragraphs 3 and 4 that vide letter No. 505 dated 8.3.2018, the District Manager, Bihar State Food and Civil Supplies Corporation, Muzaffarpur informed to the District Cooperative Officer, Muzaffarpur, that on 25.01.2018 the Pandeh PACS Paroo has supplied 595 quintals of paddy to the miller namely, Nandani Raj Agro Food Pvt. Ltd. The aforesaid letter has been enclosed as Annexure-4 to the supplementary affidavit. It is also mentioned in paragraph-4 that vide letter No. 256 dated 03.02.2018, the District Manager, Bihar State Food and Civil Supplies Corporation, Muzaffarpur, addressed to the General Manager (Procurement) State Food Corporation, Headquarter, Patna mentioned therein that the Pandeh PACS has produced the copy of Challans through which the total 595 quintals of paddy was supplied to the Miller. The copy of the aforesaid letter has been enclosed as Annexure-5 to the supplementary affidavit.

Counter affidavit has been filed on behalf of the Opposite Party No. 2 wherein he has stated in paragraph-6 that after lodging of the present case dated 23.07.2017, the petitioners have deposited defalcated paddy vide receipt dated 22.01.2018, 23.01.2018 and 25.01.2018 respectively.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from



today, in connection with **Paroo P.S. Case No. 178 of 2017**, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Judge 3rd- cum-**Additional Chief Judicial Magistrate, Muzaffarpur West**, 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) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bond and (3) if petitioners tamper 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 petitioners.

(Sanjay Priya, J)

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