

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63630 of 2017

Arising Out of PS. Case No.-32 Year-2015 Thana- GWALPARA District- Madhepura

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, Supaul, P.S. and District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Bihar State Food and Civil Supplies Corporation Ltd., Patna through the District Manager, State Food Corporation, Madhepura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. BAL MUKUND PRASAD SINHA

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 08-03-2018 Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Gawalpara P.S. Case No. 32 of 2015 registered for the offence punishable under Sections 406, 420 and 409 of the Indian Penal Code.

The allegation in the present case is against one Shailesh Kumar Singh, Proprietor of Bara Rice Mill, Khokhasi, Gawalpara that he was supplied with 52516.91 quintals of paddy and he was to return back C.M.R. totaling to 35.186.33 quintals but the said miller supplied only 5400 quintals of C.M.R. resulting in a net loss amounting to Rs. 6 crores for



which a certificate case was lodged against the miller.

The learned counsel for the petitioner submits that the petitioner was the District Manager at the relevant time and he cannot be blamed for the embezzlement on the part of the miller. It is submitted that the miller has already been granted bail subject to deposit of 20 per cent of the embezzlement amount by an order dated 08.7.2015 passed by this Court in Criminal Misc. No. 23932 of 2015. Hence, there is no impediment in granting anticipatory bail to the petitioner herein.

Per contra, the learned counsel for the B.S.F.C. has submitted that true it is that the miller has been granted anticipatory bail, however, the fact is that the petitioner herein was the person who had given excess quantity of paddy to the miller and had thereafter derelicted in his duty in recovering the requisite quantity of CMR.

Having regard to the facts and circumstances of the case, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of



learned Special Judicial Magistrate, Darbhanga in connection with Gawalpara P.S. Case No. 32 of 2015 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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