

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32888 of 2018

Arising Out of PS.Case No. -25 Year- 2018 Thana -CHAINPUR District- BHABHUA (KAIMUR)

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1. Ajay Kumar Thakur S/o Nagendra Thakur, R/o Bhandar, P.S.- Dhaka, District- East Champaran. At present Circle Officer, Paruni, Paruni, Distt.- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar, Through The District Manager, State Food And Civil Supplies Corporation, Kaimur At Bhabhua.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Nandan Sahay

For the Opposite Party/s : Mr. Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 10-07-2018 Heard the parties.

The petitioner is apprehending his arrest in connection with Chainpur P.S.Case No.25 of 2018 , registered for offences punishable under Sections 409 and 420 of the Indian Penal Code.

Allegation against the petitioner as per FIR is that 86847.21 quintals of paddy was supplied for distribution, out of that he has supplied 71226.93 quintal to the different miller and 8060.37 quintal shifted to the base Godown and the petitioner by selling 3855.41 to the bidder in less rate, caused loss of Rs.34,13,849.89 and further he has not given 4204.96 quintal of paddy to the bidder, causing loss of Rs.72,13,482.74.

Submission of the learned counsel for the petitioner is that



so far loss caused to the tune of Rs.3413849.89 is concerned, the sale was made in pursuance of the decision taken by a Committee including the District Magistrate in which minimum tender amount of Rs.830/- was fixed the rice was sold and so far rest of the rice 4204.96 quintal is concerned, it is submitted that even as per the circular of the Food Corporation of India, 14-15% loss is permissible and as such 4204.96 quintal comes within that purview and without investigating the same, a case has been lodged against the petitioner.

Heard learned A.P.P. and the learned counsel for the B.S.F.C. They have opposed the prayer for bail on the ground that several letters have been issued to the petitioner to get it verified by some agency so that the loss may be detected but in spite of that he never got verified the same.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, surrender before the court below within a period of six weeks from the date of receipt of the order and on surrender he will be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Bhabhua, Kaimur in connection with Chainpur P.S.Case No.25 of 2018 subject to condition as laid



down under Section 438 (2) of the Code of Criminal Procedure and also to co-operate in the investigation. It is also made clear that during investigation, the I.O. will investigate as to whether loss is permissible as per the circular of the F.C.I. However, once the charge-sheet is submitted even after the investigation, the case is found true against the petitioner, the petitioner shall surrender before the learned court below and make prayer for regular bail.

With the aforesaid direction, this application is disposed of.

(Vinod Kumar Sinha, J)

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