

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43177 of 2018

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1. Janardhan Singh @ Janardan Singh, S/o Late Bhim Jethi, Resident of
Village- Ranitikar, Police Station- Rajoun, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, The Bihar State Food and Civil Supply
Corporation Ltd., Banka.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Adv

For the Opposite Party/s : Mr. Anil Kumar Singh 1, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 18-07-2018 Heard learned counsel for the petitioner as well as
learned APP.

2. This petition has been filed for modification of
order dated 18.01.2018 passed in Cr. Misc. No. 60445/2017. The
matter relates to misappropriation of rice which the rice mill
owners were given by the Bihar State Food Civil Supplies
Corporation under an agreement to different mill owners of all
over Bihar and by such activity a sum of Rs. 1500 Crores is found
involved and for that six hundred FIRs have been instituted all
over Bihar. On account of grant of bail/anticipatory bail by this
Court at different occasions whenever approached by the accused
with certain conditions found adverse to the interest of the Bihar
State Food Civil Supplies Corporation whereupon, the same has



been challenged before the Apex Court and a consolidated order has been passed relating to Special Leave to Appeal (Crl) No. 1779/2016 wherein it has been held that since the anticipatory bail/bail was granted more than one year back and financial interest of the State is or can be secured, we are not inclined to cancel the anticipatory bail/bail but modifying the order of granting anticipatory bail/bail adding conditions as follows:-

- (1) The accused in all the FIR(s), will ensure that bank guarantee, if not furnished, is furnished and if lapsed, is renewed within a period of one month from today failing which the anticipatory bail/bail granted will stand dismissed.
- (2) The accused will co-operated with investigation/trial and their failure to appear, when required, will be a ground for cancellation of anticipatory bail/bail. An order of cancellation will be passed by the trial court on being satisfied about such failure.
- (3) The investigation will be completed within a period of three months.
- (4) All the accused will be tried only at five places viz. Patna, Gaya, Chapra, Darbhanga and Purnia by



officers of the appropriate rank determined by the High Court within one week from today. The High Court may specify the area of jurisdiction of the said five courts by a public order. If required by the High Court, the State Government may sanction extra strength of officers with requisite infrastructure so that normal work of courts is not disturbed on account of the special arrangement for these cases.

- (5) The officers posted will deal with these cases exclusively. If free from their work, any other work may be assigned to the said officers.
- (6) The concerned authorities will be at liberty to encash the bank guarantee(s) after holding that there is a breach of terms of the agreement which decision will be subject to appropriate remedies of the parties.
- (7) If not otherwise encashed, the bank guarantee will be kept alive till the trial is over. However, deposits/furnishing of bank guarantees will be abide by further orders of the trial court, interim or



final.

- (8) If any amount is deposited by the accused, the said amount will be adjusted in the amount of the bank guarantee, which is to be furnished by the accused.
- (9) The accused will surrender their passports to the respective courts within a period of four weeks from today and will not leave the country without prior permission from the concerned court.

3. The order impugned is modified in terms of the conditions imposed by the Apex Court as indicated hereinabove and in terms thereof, the instant petition for modification is disposed of.

(Aditya Kumar Trivedi, J)

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