

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53713 of 2017

Arising Out of PS.Case No. -70 Year- 2017 Thana -DARBHANGA SADAR District-
DARBHANGA

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1. Sanjay Kumar Jha, S/o-Shatrughan Jha, R/o Village-Haripur, P.O.-
Haripur, P.O.-Haripur, P.S.-Bahera, District Darbhanga

.... Petitioner/s

Versus

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

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Mohan Mishra
For the BSFC : Mr. Shailendra Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6 02-02-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Darbhanga Sadar P.S.
Case No. 70 of 2017 instituted for the offence under Sections-406, 409,
420, 467, 468 and 120(B) of the Indian Penal Code.

It has been submitted that Annexure-3 and 4 will show that
the CMR rice was deposited by the rice miller (petitioner) in the
godown of the BSFC and in support of that the District Manager of
SFC Darbhanga has issued No Objection Certificate in favour of the
rice miller for the paddy period 2013-14 and 2014-15. Counsel for the
petitioner has stated in paragraphy-7 of the bail petition that in the year,
2015 itself, the whole rice had been supplied and at that time, those
were accepted by SFC without any objection and No Objection
Certificate was also issued in favour of the petitioner on 15-01-2016



(Annexure-3). Annexure-4 is dated 13-06-2015 which is also a No Objection Certificate issued by the Manager, SFC, Darbhanga with regard to receipt of rice for the period 2013-14 but after lapse of more than one year after receiving the paddy in the godown, the notice was sent on 07-05-2016 to the petitioner alleging that out of total rice supplied by the petitioner, 2160 quintals were found to be substandard and the petitioner was directed to replace the said rice.

In such circumstances, from the own case of the informant, the rice has been deposited by the petitioner for the year, 2013-14 & 2014-15 and no defalcation was made. The only dispute is about the quality of rice.

Accordingly, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Darbhanga Sadar P.S. Case No. 70 of 2017 to the satisfaction of learned Chief Judicial Magistrate, Darbhanga subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will liable to cancel bail bond of



the petitioner and (3) if petitioner tampers 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 petitioner.

(Sanjay Priya, J)

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