

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.433 of 2018

Arising Out of PS. Case No.-86 Year-2015 Thana- SHEOHAR District- Sheohar

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Brahma Kumar, Son of Bishun Deo Sah @ Krishnadeo Sah, resident of
village- Basahiya Shekh, P.S.- Piparahi, District- Sheohar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Bihar State Food Corporation, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumod Kumar Shrivastaw
For the Opposite Party/s : Mr. Md. Ashlam Ansari

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 08-02-2018 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner apprehends his arrest in Sheohar P.S. case no.
86 of 2015 instituted for the offence under Section(s) 406, 409,
420, 465, 467, 468, 470 and 120B of the Indian Penal Code
and Section 13(2) read with Section 13(1)(D) of Prevention of
Corruption Act, 1988.

Learned counsel for the petitioner has submitted that he
is not named in the written report. The name of the petitioner
has come during investigation that he being deputed as
Executive Assistant cum in charge of Dumari, Katasari,
purchase centre had supplied 9036.40 quintal paddy to the rice
mill owner through 57 truck challan out of which two vehicles
were found forged . The Sessions judge in the impugned order



has mentioned about three vehicles, which as per the counsel for the petitioner is error of record.

A counter affidavit has been filed on behalf of the BSFC wherein it has been stated that S.I.O. of two vehicles were found forged. Learned counsel for the petitioner has pointed out from running page 57 to 61 of the bail petition which is part of the F.I.R. which shows that it is merely a slip of pen and in fact paddy were supplied to the owner of the mill and the same was also admitted by the mill owner. The main allegation is against the rice mill owner, namely, Raju Kumar Singh who has entered into an agreement with Bihar State Food and Civil Supplies Corporation Ltd. Sheohar for milling of paddy and delivering rice for the procurement year 2012-13. As per agreement, he was supplied 101137.30 quintal paddy. He was required to deliver 67762.30 quintal of rice till 31.12.2013. But he has deposited only 26460.00 quintal of rice and an amount of CMR at 41302.30 quintal remained due against him which comes to the value of Rs. 8,94,42,608.78/-. In this manner, he has misappropriated and embezzled the aforesaid amount.

Aforesaid Raju Kumar Singh has already been granted anticipatory bail by a Co-ordinate Bench of this Court vide



order dated 31.7.2015 passed in Cr. Misc. no. 31863 of 2015.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Sheohar P.S. case no. 86 of 2015 , he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate 1st Class Darbhanga, 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) 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 automatically 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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