

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7409 of 2018

Arising Out of PS.Case No. -19 Year- 2016 Thana -KHUTAUNA District- MADHUBANI

=====

Ratnesh Kumar Sinha, S/o Late Anand Kumar Sinha, R/o Ward No. 20,
Chitra Gupta Colony, P.S.- Madhubani, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Managing Director, Bihar State Food and Civil Supplies Corporation Ltd. Bihar, Patna.
3. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd., Bihar, Patna.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate.

For the BSFC : Ms. Namrata Mishra, Advocate.

For the Opposite Party/s : Mr. Smt. Gulnar Begam, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 27-02-2018 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Khutauna**
P.S. Case No. 19 of 2016 instituted for the offence under Sections
406, 409, 420 and 34 of the Indian Penal Code.

The allegation against this petitioner is that while he
was posted as Co-operative Extension Officer, Khatauna, he was
deputed to work as Incharge Purchase Centre, Khutauna, in the
district of Madhubani, vide memo No. 233 dated 13.12.2013
issued by District Magistrate, Madhubani. At that time, co-
accused Sachin Kumar Gupta was the In-charge of Purchase
Centre, Khutauna. They have purchased 3100.50 quintal paddy



from the farmers and PACS but they have supplied only 29691.30 quintal paddy to the Mill and in this way 13118.80 quintal paddy was not supplied.

Counter affidavit has been filed on behalf of BSFC wherein it has been stated that total loss caused to BSFC @ Rs. 1715.40 per quintal is Rs.22,47,517/-. They have deposited Rs.2,90,637/- and also Rs.6,45,000/- through Demand Draft. The remaining amount of Rs.13,11,880/- is still recoverable. The physical verification of purchase centre was made and no paddy was found.

Learned counsel for the petitioner has submitted that Sachin Kumar Gupta who was In-charge of the Godown prior to his joining had purchased paddy from farmers and PACS and he did defalcation of the same.

It is admitted position that petitioner was In-charge of Purchase Centre Khutauna, in the district of Madhubani, in terms of Memo No. 233 dated 13.12.2013 issued by District Magistrate, Muzaffarpur. He remained posted there till 7.6.2014. Thereafter, he was transferred as Block Cooperative Extension Officer. He was transferred to the office of Assistant Registrar, Cooperative Society, Muzaffarpur and one Amit Kumar was appointed as an In-Charge of Purchase Centre, Khutauna. From the First



Information Report itself it appears that explanation was called for from the petitioner with regard to shortage of the paddy by various letters dated 19.10.2015, 23.8.2014 and also by letter dated 16.9.2014 but no explanation was given by the petitioner to the department.

Learned counsel for the petitioner has submitted that petitioner is ready to furnish Bank Guarantee for the amount of loss incurred to the Corporation.

In such circumstances, this application is disposed off with direction to the petitioner to submit Bank Guarantee of Rs.10,00,000/- within a period of three months from the date of receipt of this order and in that event, he will be enlarged on anticipatory bail by the court below **i.e. Sri Devesh Kumar, Judicial Magistrate, 1st Class, Jhanjharpur, Madhubani**, or his successor, to its own satisfaction, in connection with **Khutauna P.S. Case No. 19 of 2016** with two sureties of the like amount each, 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 his absence on two consecutive dates without proper and reasonable reason



will be liable to cancel his bail bond 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.

For the period of three months from the date of receipt of this order, no coercive step shall be taken against the petitioner in connection Khutauna P.S. Case No. 19 of 2016 pending before Sri Devesh Kumar, Judicial Magistrate, 1st Class, Jhanjharpur, Madhubani.

The submission of Bank Guarantee will be subject to final decision of the case.

(Sanjay Priya, J)

S.Ali/-

U		T	
---	--	---	--

