

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32765 of 2018

Arising Out of PS.Case No. -24 Year- 2018 Thana -CHAINPUR District- BHABHUA (KAIMUR)

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1. Dinkar Kumar S/o Sudin Prasad Yadav, R/o Vill.- Kamkha, P.O.- Basudeopur, P.S.- Kotwali, District- Munger. At present-Manager, Industrial Co- Operative, Federation Ltd, (HQ) Rajivnagar, Patna.

.... 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. Rama Kant Sharma, Senior Advocate

Mr Ajay Nandan Sahay, Advocate

For the Opposite Party/s : Mrs Namrata Mishra,(BSFC)

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 19-07-2018 Heard the parties.

The petitioner seeks anticipatory bail in connection with Chainpur P.S. Case No.24 of 2018, registered for offences punishable under Section 409/420 of the Indian Penal Code.

As per F.I.R., allegation against the petitioner is that 94450.80 quintals of paddy was supplied for distribution, out of that he has supplied only 63450 quintal to the different miller and 19228.96 quintals were shifted to the base Godwon Ruchi Soya Durgavati in compliance of the order of the Corporation and rest 11771.84 quintals paddy remained in the Procured Centre under



the supervision of petitioner. It is also alleged that according to rate of auction of paddy fixed at the rate of Rs. 1715.47 and total Rs. 502476775 is realizable from the petitioner and the rest paddy 6097.15 quintals was not supplied to the bidders, causing loss of Rs. 1, 04,59,477.91 crore.

Submission of the learned counsel for the petitioner is that so far loss caused to the tune of Rs. 1,04,59,477.91 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 paddy was sold and so far rest of the paddy 6097.15 quintals 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 6097.15 quintal comes within that preview 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 the order, 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 learned C.J.M., Bhabhua, Kaimur in connection with Chainpur P.S. Case No. 24 of 2018 subject to the conditions 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 observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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