

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49146 of 2018

Arising Out of PS.Case No. -363 Year- 2017 Thana -RAMGARH District- BHABHUA (KAIMUR)

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1. Uma Shankar Singh S/o late Mukhan Singh R/V: Girdhariya, P.O.+P.S. Sheosagar, Distt. Rohtas, The Than Block Agriculture Cum in-Charge of Purchase Centre P.P.C 2., At P.O.+P.S.- Nuaon, (Ramgarh), Distt. Kaimur.

.... 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. Ajay Nandan Sahay

For the Opposite Party/s : Mr. Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 28-08-2018 Heard the parties.

The petitioner is apprehending his arrest in connection with Ramgrah P.S.Case No.363 of 2017 registered for offences punishable under Sections 409 and 420 of the Indian Penal Code.

Allegation against the petitioner is that he purchased 78867.45 quintal of paddy and the petitioner was incharge of the Nuaon Godown (Kaimur). 61061 quintal was given to the S.I.O. and 17806.45 quintal was received at the centre and 1867.44 quintal paddy has been sold on lesser than the fixed rate of the B.S.F.C., as such causing loss and apart from that he has not given explanation for 15000 and odd quintal of paddy, which was kept there as such he has caused loss of Rs.2,89,96,455.58.



Submission of the learned counsel for the petitioner is that the rate was fixed under the chairmanship of the District Magistrate and they had fixed Rs.830/- per quintal and on that the sale was made, as such the petitioner can not be said to be responsible for that and so far rest of 15000 and odd quintal of paddy is concerned, theft was committed but the authorities concerned had not considered the aforesaid fact and lodged a case against him.

Heard learned A.P.P. and the learned counsel for the B.S.F. They have opposed the prayer for bail.

Having heard both sides and in view of the facts and circumstances, as stated above, this application is disposed of with direction to the petitioner to surrender before the court below within a period of six weeks from the date of receipt of the order and on surrender, he will be released on provisional bail in connection with Ramgrah (Nuaon) P.S.Case no.363 of 2017) till submission of the chargesheet to the satisfaction of ACJM-1, Bhabhua, Kaimur on condition that he has to appear before the Investigating Officer and produce all the papers to the Investigating Officer, however, in spite of that if the allegations were found true against the petitioner and charge-sheet has been submitted against him, he has to surrender and maker prayer for



regular bail, which will be considered on the basis of materials available at that time.

With the aforesaid direction, this application is disposed of.

(Vinod Kumar Sinha, J)

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