

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15376 of 2019

Arising Out of PS. Case No.-60 Year-2015 Thana- ADAPUR District- East Champaran

Ajay Kumar Mishra, Son of Late Bashishtha Mishra Resident of Village -
Rasulpur Gilani, Ward No. 27, P.S.- Kazi Mohammadpur, District -
Muzaffarpur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. District Manager, Bihar State Food and Civil Supplies Corporation, Motihari
(Bihar) Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Thakur, Adv. Mr.Md.Imteyaz Ahmad
For BSFC	:	Mr. Shailendra Kumar Singh
For the Opposite Party/s	:	Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-03-2019 Heard learned Counsels for the petitioner and
learned APP for the State.

The petitioner, being the Circle Officer of Adapur, is apprehending arrest in a case registered for the offences punishable under Sections 409 and 420 of the Indian Penal Code.

The prosecution case as per the written report of Rambakil Pandey, District Manager, Bihar State Food and Civil Supplies Corporation, Motihari submitted to SHO, Adapur Police Station is to the effect that an agreement was entered into between one Vijay Shankar Prasad, proprietor of M/s Durga Rice Mill and



the State Food Corporation Milling Unit, wherein, 8400 quintal of paddy was provided to the miller, who was expected to return CMR (Customed Milled Rice) of 5628 quintal to the food corporation by 31.12.2014, but he returned only 270 quintal of CMR, as such he misappropriated 5358 quintal of CMR, worth to the tune of Rs.1,16,03,070.48/-. It is further alleged that the petitioner was not named in the FIR and the name of the petitioner sprang up during investigation by S.I.T. conducted in pursuance to the order passed by a bench of this Court. It is alleged that the petitioner submitted the report with regard to the existence of different rice mills including M/s Durga Rice Mill in the locality, to District Magistrate, Motihari and on the basis of the said report of the petitioner, the District Magistrate, Motihari acted and consequently, BSFC entered into an agreement with the M/s Durga Rice Mill under the proprietorship of Vijay Shankar Prasad, but, during investigation, it was found that the mill was indeed not in existence, hence the BSFC was put to loss due to the wrong report submitted by the petitioner.

It is submitted by learned counsel for the petitioner that the agreement was entered into by the BSFC Motihari unit and the miller. The BSFC Motihari unit entered into the agreement after



verifying the existence of the Mill, hence BSFC Motihari unit in order to shift their responsibility for the loss caused roped the petitioner in the present case. It is further submitted that the petitioner submitted the report with regard to existence of several rice mills including the rice mill of co-accused Vijay Shankar Prasad, namely, M/s Durga Rice Mill, which has been selected by the BSFC and for that they are responsible. So far as co-accused Vijay Shankar Prasad, the owner of the said M/s Durga Rice Mill is concerned he has been granted bail by a Co-ordinate Bench of this Court vide order dated 03.09.2015 passed in Cr. Misc. No.40853 of 2015, on the ground that the land pledged by the co-accused Vijay Shankar Prasad to BSFC is worth more than the due amount remaining against him. A statement has been made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the BSFC submits that due to the wrong report, huge loss has been caused to the BSFC.

Considering the fact that the thrust of accusation is against the rice miller and the report of several rice mills being submitted by the petitioner, but only the Rice mill in question was selected by the District unit of BSFC, then it is the responsibility of the District Manager, BSFC in making the



selection of the Rice mill in question, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned **JM, 1st Class, Saran at Chapra** in connection with **Aadapur P.S. Case No.60 of 2015**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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