

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48788 of 2018

Arising Out of PS. Case No.-11 Year-2015 Thana- CHAND District- Kaimur (Bhabua)

Arbind Kumar Mishra, S/o Late Kapileshwar Mishra, resident of Village -
Paroria, P.S. - Ujarpur, District – Samastipur ... Petitioner

Versus

The State Of Bihar Through The District Manager, Bihar State Food and Civil
Supplies Corporation Ltd. Kaimur, P.S. Kaimur, district Kaimur
... Opposite Party

with

CRIMINAL MISCELLANEOUS No. 49092 of 2018

Arising Out of PS. Case No.-11 Year-2015 Thana- CHAND District- Kaimur (Bhabua)

Ajay Kumar Thakur, S/o Sri Nagendra Thakur, resident of Village - Bhandar,
P.S. Dhaka, District - East Champaran ... Petitioner

Versus

The State Of Bihar Through The District Manager, Bihar State Food and Civil
Supplies Corporation Ltd. Kaimur, P.S. Kaimur, district Kaimur
... Opposite Party

Appearance :

(In both the cases)

For the Petitioner	:	Mr. N.K. Agrawal, Sr. Adv. with Mr. Ranjeet Choubey, Adv.
For the Opposite Party	:	Mr. Shailendra Kumar Singh, Adv.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

11 04-07-2019 It appears that on 26.06.2019 only Cr. Misc. No. 48788 of 2018 was on the cause list, but, inordinately the case number of Cr. Misc. No. 49092 of 2018 typed in the cause title, as such, order no. 10, dated 26.06.2019, will be deemed to be passed only in Cr. Misc. No. 48788 of 2018.

Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the state.

The petitioners seek pre-arrest bail in connection with



Chand (Kaimur) P.S. Case No. 11 of 2015 shall for the offences alleged under Sections 406, 409 and 420 of the Indian Penal Code.

The accusation is that 8000 quintals of paddy was supplied to Vinod Kumar Singh, proprietor of Gaurav Parmar Mini Rice Mill, Baradi Chand, for milling and returning 5360 quintals costumed milled rice (CMR), but, the same was not returned to Bihar State Food and Civil Supplies Corporation Ltd. Kaimur, as such, misappropriated 5360 quintals of rice worth Rs.1,32,85,081.60/-.

The learned counsel appearing for the petitioners submits that it appears from the first information report that case was lodged against Vinod Kumar Singh, proprietor of Gaurav Parmar Mini Rice Mill, Baradi Chand, and after submitting the charge sheet he is also facing trial, but, later on the investigating officer also named both the petitioners as accused being the District Manager and Procurement Officer of the Bihar State Food and Civil Supplies Corporation Ltd. Kaimur and except that both the petitioners were posted there, nothing has been collected showing their hands in the misappropriation in any manner.

Learned Additional Public Prosecutor for the State



opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, let the petitioners, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Chand (Kaimur) P.S. Case No. 11 of 2015 shall shall be released on pre-arrest bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Special Court, Gaya, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure.

(Rajendra Kumar Mishra, J)

Shamshad/-

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