

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 42184 of 2019

Arising Out of PS. Case No.-312 Year-2013 Thana- FATUHA District- Patna

Nakul Kumar Sudhanshu, aged about 47 years, Male, Son of Late Sheo Nath Rajak, Resident of Flat No. C-3, Gupteshwar Mansion, Kavi Raman Path, East Boring Canal Road, Patna, P.S.- Budhha Colony, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Managing Director, Bihar State Food Corporation Daroga Prasad Rai Path, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kishore Kumar Thakur, Mr. Rajesh Kumar, Advocate and Mr. Braj Kishore Singh, Advocates
For the BSFC	:	Mr. Sanjeev Kumar, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 20-11-2019

Heard learned counsel for the petitioner; learned APP for the State and learned counsel for the Bihar State Food and Civil Supplies Corporation Limited (hereinafter referred to as the 'Corporation').

2. The petitioner has moved the Court seeking pre-arrest bail in connection with Fatuha PS Case No. 312 of 2013 dated 12.09.2013 instituted under Sections 406, 420, 409, 467, 468 and 471/120(B) of the Indian Penal Code.



3. The petitioner along with others are accused of defalcation as a result of non supply of CMR for the paddy supplied to various rice mills.

4. Learned counsel for the petitioner submitted that the petitioner has no role in the entire episode. It was submitted that he was Incharge of the procurement centre and on the basis of allotment made by the District Manager, his role was only to supply the amount of paddy indicated in the allotment letter. It was submitted that the petitioner neither issued the allotment letter nor he was required to verify with regard to the status of the rice mill and, thus, he has absolutely no role in the episode. It was further submitted that the concerned District Manager and the officer of the Corporation, who had submitted report about the existence of the rice mills, have been enlarged on anticipatory bail.

5. Learned APP submitted that during investigation, the name of the petitioner has also transpired. However, he could not deny the fact that except for him having handed over the paddy, nothing else is against him.

6. Learned counsel for the Corporation, who has filed counter affidavit, also and did not controvert the fact that against the petitioner, there is no direct involvement and that he only



handed over paddy to the rice mills pursuant to allotment letter issued to them by other persons and not the petitioner.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within four weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (Twenty Five thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Patna in Fatuha P.S. Case No. 312 of 2013, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

8. The application stands disposed off.

(Ahsanuddin Amanullah, J.)

P. Kumar

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