

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52756 of 2019

Arising Out of PS. Case No.-53 Year-2016 Thana- GOH District- Aurangabad

Raju Ranjan Gupta Son of Arun Gupta Resident of Village - Mehiya, P.S.-
Tandwa, District- Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, Bihar State Food and Civil Supply Corporation,
Aurangabad Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Manindra Kishore Singh, Advocate
For the State	:	Mr.Parmeshwar Mehta, APP
For BSFC	:	Mr. Agreya Pratap, Advocate

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 16-11-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 406, 420, 409, 120B, 467, 468, 471 and 504 of the Indian Penal Code.

The prosecution case as per the initial complaint filed by Shivdayal Singh, being Complaint Case No. 103 of 2016 before learned SDJM, Daudnagar on 02.05.2016 which came to be registered as Goh P.S. Case No. 53 of 2016 after complaint being transferred under Section 156(3) of the Cr.P.C. is to the effect that that the complainant is the owner of M/s Jai Bhola



Shankar Arwa Mill, Karma Tola, Daudnagar and as per the agreement with Bihar State Food Corporation, the complainant supplied 1620 bags, i.e., 81 metric tonnes rice and for that BSFC supplied 1570 bags of paddy on 28.08.2015 from the Paddy Procurement Centre, Nabinagar and it was directed to collect the rest paddy from Paddy Procurement Centre, Goh, but till date, no paddy was supplied to the complainant.

It is submitted by learned counsel for the petitioner that since the Bihar State Food Corporation has lodged complaint against the son of the informant for non-supply of the processed rice, hence, in retaliation the present case has been lodged.

It appears that vide order dated 23.08.2019 a Co-ordinate Bench of this Court directed the District Manager, Bihar State Food and Civil Supplies Corporation, Aurangabad to file an affidavit stating as to whether allegation made in the complaint petition is correct or not. Today, an affidavit has been filed today by Shailendra Kumar being the District Manager, State Food Corporation, Aurangabad that the miller, the complainant has already received the balance paddy 579.85 quintals, statements to that effect have been made in paragraphs 4 and 5 of the affidavit, which read as



follow:-

“4. That as per the petition and record of S.F.C. the petitioner has supplied advance 67% CMR than equivalent 100% paddy handed over the miller/petitioner from procurement year 2014-15.

5. That as per petition and record of S.F.C. the petitioner has supplied advance C.M.R. 810 quintal before S.F.C. Go-down and therefore the District Manager S.F.C. has issued S.I.O. No. 2670735 in favour of Incharge purchase centre, Navinagar on 28.08.2015 and a copy of same handed over to miller/petitioner. Then petitioner has received 629.10 quintal of paddy and put in signature in S.I.O. and R.T. Challan (Receipt) of Truck Challan) and another S.I.O. No. 267037 dated 28.8.2015 have been issued in favour of In-charge purchase centre Goh, Aurangabad and a copy of same handed over to the miller/petitioner. Therefore the petitioner/miller had received 579.85 quintal paddy and put in signature S.I.O. In R.T. Challan.”

Considering the stand of the State Food Corporation which negates the accusation, the provisional bail granted to the above named petitioner vide order dated 23.08.2019 in connection with Goh P.S. Case No. 53 of 2016, pending in the



Court of learned Sub-divisional Judicial Magistrate, Daudnagar,
Aurangabad, is, hereby, confirmed.

(Dinesh Kumar Singh, J)

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