

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57373 of 2019

Arising Out of PS. Case No.-112 Year-2015 Thana- SAUR BAZAR District- Saharsa

VIJAY KUMAR SINGH @ BIJAY KUMAR SINGH, Male, aged about 61 years, S/o Sri Ram Pukar Singh Resident of Village- Bhagwatpur, P.S.- Mahishi, District- Saharsa.

... .. Petitioner

Versus

1. The State of Bihar
2. District Manager, State Food Corporation, Saharsa R/o- Vill.- Bhagama, P.S.- Chausa, District- Madhepura

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Diwakar Prasad Singh, Advocate
For the State	:	Mr. Parmeshwar Mehta, APP
For the BSFC	:	Mr.Agreya Pratap, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 23-01-2020 Heard learned counsel for the petitioner, Learned counsel for the Bihar State Food & Civil Supplies Corporation as also learned Additional Public Prosecutor for the State.

The petitioner is seeking anticipatory bail in connection with Sour Bazar P.S. Case No. 112 of 2015 registered under Sections 406, 409 and 420 of the Indian Penal Code.

Earlier while hearing the prayer for anticipatory bail of this petitioner, this court passed the following order on 03.12.2019:

“Heard learned counsel for the parties.



Petitioner in the present case is seeking anticipatory bail in connection with Sour Bajar P.S. Case No. 112 of 2015 registered for the offences punishable under Sections 406, 409 and 420 of the Indian Penal Code. Learned counsel for the petitioner submits that although initially this petitioner was given the duty to lift the Customed Mill Rice (CMR) from Arti Rice Mill and in this connection he has relied upon Memo No. 955 dated 29.06.2013 (Annexure '2') but it is the submission that because the petitioner was unable to discharge his duties because of his ill health and was going to retire very soon, the District Manager, State Food Corporation, Saharsa deputed one Avinash Kumar Jha, Executive Assistant, CWC Depot, Supaul to lift the rice and in this way this petitioner was no longer associated with the work of lifting of rice from the mill in question.

In the case diary it has come that the petitioner did not take sincere steps to supervise, monitor and submit a report with regard to the lifting of rice from the mill and because of his inaction loss has been caused to the Corporation but in the case diary it is not clear as to whether or not this petitioner had been replaced by Sri Avinash Kumar Jha.

Let this matter be listed after two weeks to enable the opposite party no. 2 to come out with a specific affidavit as to the role assigned to this petitioner in lifting of the rice from the mill and the subsequent developments as have been taken note of hereinabove.

List this case on 16th December, 2019.

In the meantime, no coercive action shall be taken against the petitioner in connection with Sour Bajar P.S. Case No. 112 of 2015."

Pursuant to the aforesaid direction a counter affidavit has been filed on behalf of the Corporation. Attention of this court has been drawn towards the statements made in paragraph 13 & 14 of the counter affidavit. A statement has been made in those paragraphs



that vide office order no. 1024 dated 17.07.2019 one Kumar Gaurav and Avinash Kumar Jha was deputed as Executive Assistant and Avinash Kumar Jha was responsible for depositing the said food-grains to FCI Godown, Supaul. The petitioner was deputed for the period 29.06.2013 to 17.07.2013 and further statement has been made in paragraph 14 that the Assistant Godown Manager was not responsible for acquiring the said food-grains.

Learned counsel for the Corporation in course of argument, therefore, does not dispute the contention of the petitioner which was submitted on the previous date. No other material has been brought to the notice of this Court. In the given facts and circumstances of the case, in the event of his arrest/surrender before the court below within a period of four weeks, let the above-named petitioner be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate - 1st Class – cum – Special Court, Rice Miller, Darbhanga, in connection with Sour Bazar P.S. Case No. 112 of 2015, subject to condition as laid down under



Section 438(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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