

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.62496 of 2019**

Arising Out of PS. Case No.-197 Year-2017 Thana- KHIJARSARAI District- Gaya

LALJADI DEVI Wife of Late Vijay Singh Resident of Village - Nagariyawa,  
P.S.- Khijarsarai, District - Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bihar State Food Corporation, through its Managing Director, Bir Chand Patel Marg, Patna. Bihar

... .. Opposite Party/s

**Appearance :**

|                            |                      |
|----------------------------|----------------------|
| For the Petitioner/s :     | Mr. Anurag Saurav    |
| For the Opposite Party/s : | Mr. Mukeshwar Dayal  |
|                            | Mr. Ashok Kumar, APp |

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

7      16-06-2020      The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Sri Ashok Kumar, the learned APP appearing for the State.

This is an application for grant of anticipatory bail in connection with Khijarsarai P.S. Case No. 197 of 2017 registered for the offence punishable under Sections 406 and 409 of the Indian Penal Code.

The allegation is that the petitioner, who is stated to be PACS Chairman, had purchased 4014 quintals of paddy during



the kharif season pertaining to the financial year 2016-17 and she had to supply corresponding CMR equivalent to 2689.38 quintals of rice to the State Food Corporation, Gaya, however, she supplied only 1062.64 quintals and failed to supply the balance amount of 1620.74 quintals of rice, having equivalent value of a sum of Rs. 38,79,444.70/-, which is alleged to have been sold by the petitioner in the open market resulting in the petitioner having defalcated the said sum.

The learned counsel for the petitioner has submitted, by referring to a table reproduced at page no. 5 of the present petition wherein it has been stated that the petitioner has received payment of only 1725.12 quintals of CMR and not of 2689.38 quintals of CMR. It is further submitted that the petitioner is having a clean antecedent and she is not likely to either flee away from the ensuing trial or tamper with the evidence.

Per contra, the learned counsel for the District Manager, BSFC, Gaya has submitted that the answering respondent has got no connection with the FIR in question and the petitioner has tactfully not made District Cooperative Officer as party respondent, hence, the petitioner should not be granted the privilege of bail.



Having regard to the facts and circumstances of the case and taking into account the materials available in the case diary, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail, subject to her furnishing bank guarantee to the tune of Rs. 38,80,000.00/- with the District Co-Operative Officer, Khijarsarai, Gaya and producing proof of the same before the learned court of A.C.J.M.-4th, Gaya in connection with Khijarsarai P.S. Case No. 197 of 2017, as also subject to such conditions as may be deemed fit and proper to be imposed by the learned court below.

The present petition stands disposed of with the aforesaid directions.

**(Mohit Kumar Shah, J)**

Ajay/-

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