

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74383 of 2019

Arising Out of PS. Case No.-145 Year-2011 Thana- DARIYAPUR District- Saran

Sudarshan Rai, Son of Late Ramdeo Rai, Resident of Village- Darihara Bhual,
P.O.- Dharihara, P.S.- Dariyapur, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Akashdeep, Advocate
		Mr. Shyameshwar Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Nawal Kishore Pd., APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 06-03-2020 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Dariyapur P.S. Case No.145 of 2011, registered for the offence
punishable under Section 409 of the Indian Penal Code.

The allegation against the petitioner as per the First
Information Report is that the petitioner did not distribute a total
quantity of 444.60 quintals of rice under Sampurna Gramin
Rozgar Yojna to the beneficiaries amounting to about
Rs.6,09,102/-.

Mr. Aakashdeep, learned counsel appearing for the
petitioner submits that the petitioner has not committed any
offence in the manner alleged inasmuch as the petitioner had



challenged the demand notice issued by Block Development Officer, Dariyapur, Saran by letter No.1347 dated 05.08.2011 by way of writ application before this Hon'ble Court bearing C.W.J.C. No.14883 of 2011 disputing the quantity of undistributed rice of about 444.60 quintals and has accepted the liability of only 129.25 quintals of undistributed rice. Learned counsel further submits that the aforesaid writ application was disposed of by this Court vide its order dated 16.09.2011, Annexure-4, with the direction to the petitioner to file representation and to deposit 20 per cent of the value of 130 quintals of rice @ Rs.10 per kilogram before the concerned authority and with further direction that upon payment of the said amount, the representation filed by the petitioner shall be disposed of within ten weeks. Learned counsel further submits that quantity of rice have been disputed by the petitioner and the petitioner is not liable to pay the amount, as mentioned in the first information report.

Having heard learned counsel for the parties and taking into consideration the fact that the petitioner has disputed the quantity of the rice and this Hon'ble Court while disposing of the writ application had directed the petitioner to pay 20 per cent of the value of 130 quintals of rice which the petitioner has



deposited by way of Annexure-5, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bond of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additonal Chief Judicial Magistrate-IV, Saran at Chapra, in connection with Dariyapur P.S. Case No.145 of 2011, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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