

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71177 of 2019

Arising Out of PS. Case No.-8 Year-2016 Thana- BHAPTIAHI District- Supaul

SHAILESH KUMAR Son of Subhash Chandra Sinha Resident of Village -
Pipra, Ward No. 09, P.S.- Pipra, District- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Bihar State Food and Civil Supplies Corporation through the District
Manager, Supaul

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Arjun Pd. Keshri
For the Opposite Party/s	:	Mr.Parmeshwar Mehta
For the B.S.F.C.	:	Mr. Agreya Pratap

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 05-03-2020 Heard both sides.

The petitioner seeks bail in Bhapatiyahi P.S. Case No.8 of 2016 registered under Sections 406, 409 and 420 of the Indian Penal Code.

The informant, District Manager, Bihar State Food Corporation, Supaul alleged that Arvind Kumar, the owner of Raghupati Rice Mill was given 2528.97 metric ton of paddy and he had to deliver 1694.41 metric tone rice to the corporation by 31.12.2013 but only 567 metric ton C.M.R. was handed over to the B.S.F.C. and the owner of the Raghupati Rice Mill misappropriated 1127.41 metric ton rice worth Rs.2,44,14,740/-. The rice mill owner deposited only Rs.23,05,000/-. Still Rs.2,21,09,740/- is lying due.

The learned counsel for the petitioner submits that petitioner is Assistant of B.S.F.C. godown, Supaul. At the relevant time, petitioner was posted at Bhagalpur. The owner of



the mill has already been granted anticipatory bail by the learned Sessions Judge, Supaul vide order dated 31.03.2016 passed in A.B.P. No.124 of 2016. The petitioner is in jail since 16.09.2019. Petitioner had no role in defalcation of huge amount of rice by the owner of rice mill.

Learned counsel for the B.S.F.C. and the learned A.P.P. vehemently opposed the prayer for bail.

Considering the fact that petitioner is an Assistant of B.S.F.C., Supaul and the owner of the rice mill has already been granted anticipatory bail on deposit of 20% of the entire amount with condition that the remaining amount shall be deposited within one year, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-cum-Vigilance Judge, Bhagalpur in connection with Bhapatiyahi P.S. Case No.8 of 2016/Vigilance Case No.22 of 2019.

Saurabh/-

(Prabhat Kumar Jha, J)

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