

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74731 of 2019

Arising Out of PS. Case No.-400 Year-2019 Thana- JAYNAGAR District- Madhubani

1. Sanjeev Yadav @ Sanjeev Kumar, Son of Mahendra Prasad Yadav, PACS Manager Belahi East.
 2. Sanjay Kumar Yadav, Son of Dev Sundar Yadav, PACS Chairman, Belahi East.
- Both are resident of Village-Araraha, P.S.-Jainagar, District - Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Gagan Deo Yadav, Advocate
For the Opposite Party	:	Mr. Parmeshwar Mehta, APP
For the BSFC	:	Mrs. Namrata Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

5 24-06-2020 Heard Mr. Ansul, learned counsel for the petitioners Mr. Parmeshwar Mehta, learned Additional Public Prosecutor for the State and Mrs. Namrata Mishra, learned counsel appearing for the Bihar State Food Corporation via video conferencing.

By way of the present application, the petitioners have sought for pre-arrest bail in connection with Jaynagar P.S. Case No.400 of 2019 registered for the offences punishable under Sections 420 and 409 read with 34 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioners that no occurrence in the manner alleged had ever



taken place and the entire prosecution case is concocted and fabricated. The petitioners have purchased the paddy from the farmers and transferred the money in lieu of paddy in their account through Rahika Central Co-operative Bank, Jainagar Branch. The Co-operative Bank has given no dues certificate to the petitioners, and, thus, no offence of criminal breach of trust is made out.

On the other hand, learned counsel for the State and learned counsel for the State Food Corporation have contended that for the Kharif procurement year 2018-19, the petitioners purchased 207 quintals of paddy from the farmers and they had to deposit 138.69 quintals of custom milled rice to the SFC, Madhubani till 31.07.2019 but they did not deposit the same. Thus, they intentionally and malafidely with vested interest caused revenue loss of Rs.3,62,250/- to the government exchequer.

Considering the submissions advanced on behalf of the parties, the allegation made against the petitioners and the materials collected during investigation, I am not inclined to grant them pre-arrest bail. Their application for grant of pre-arrest bail is rejected.

In case the petitioners surrender and seek bail, the



same shall be considered on its own merits without being
prejudiced in any manner by this order.

(Ashwani Kumar Singh, J.)

Sanjeet/-

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