

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.86373 of 2019**

Arising Out of PS. Case No.-91 Year-2015 Thana- WARISLIGANJ District- Nawada

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RANJEET KUMAR Son of Dayanand Prasad Resident of Village - Raghu
Bigha (Sebait), P.S. and Distt.- Nalanda.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The District manager, Bihar State Food and Civil Supplies Corporation
Limited, Distt.- Nawada. Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Krishna Mohan Mishra, Adv.
For the Opposite Party/s	:	Mr.Parmeshwar Mehta, APP
For the BSFCSCL	:	Ms. Namrata Mishra, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 10-09-2020 Heard learned counsel for the petitioner and Mr.

Parmeshwar Mehta, learned A.P.P. for the State as well as Ms.

Namrata Mishra, learned counsel representing the Bihar State

Food and Civil Supplies Corporation Limited.

Petitioner, in the present case, is seeking pre-arrest bail

in connection with Warsaliganj (Nawada) P.S. Case No. 91 of 2015

registered for the offence under Section 406, 409, 420 and 34 of

the Indian Penal Code.

Learned counsel for the petitioner submits that as per

the prosecution case one Laxmi Saw entered into an agreement

with the Bihar State Food and Civil Supplies Corporation Limited

(hereinafter referred to as the “BSFCSCL”). During the period



2012-13 the BSFCSCCL supplied 39286.12 qt. of paddy to said Laxmi Saw, after milling the paddy Laxmi Saw had to supply 67 per cent i.e. 26321.70 qt. Rice to the BSFCSCCL. He had supplied only 2160 qt. of rice to the BSFCSCCL, therefore he has allegedly defalcated Rs. 5,23,23,611.50.

It is submitted that the petitioner is not named in the F.I.R. but in course of investigation he has been brought within the purview of this case alleging that it is this petitioner who had provided his fixed deposits to the Bank as a security for providing a bank guarantee in favour of the Corporation at the instance of the said Laxmi Saw. Learned counsel submits that in course of investigation no material at all has come to suggest that this petitioner had any say in the management of the mill in question and further there is no allegation that this petitioner was at any time attached with the business of the mill. It is submitted that only because the petitioner tried to help the co-accused Laxmi Sao by providing his fixed deposits to be kept by the Bank as a security, the same cannot be a ground to make this petitioner an accused in the present case.

On the other hand, learned A.P.P. for the State has after going through the case diary submitted that the name of the petitioner has come saying that for the purpose of establishing the mill he had given his land under a lease deed to the co-accused



Laxmi Saw and had also provided his fixed deposits as a security with the Bank.

On repeated query, learned A.P.P. has said that except this fact there is no material in the case diary to suggest that this petitioner had any role to play in the management of the mill or that he had any partnership with the co-accused Laxmi Saw. There is neither such allegation nor any material against the petitioner in this regard.

Ms. Namrata Mishra, learned counsel representing the BSFCSCCL has also opposed the prayer for anticipatory bail of the petitioner. It is submitted that the petitioner seems to have connived with the co-accused, however learned counsel admits that in the case diary there is no material suggesting a conspiracy between the petitioner and the co-accused Laxmi Saw.

Having regard to the facts and circumstances of the case as noticed above and on going through the records since this Court has noticed that only allegation against this petitioner is that he had provided his land on lease to the co-accused Laxmi Saw and also his fixed deposits as security with the Bank in order to ensure the Bank to have a security against the Bank guarantee, this Court is inclined to grant privilege of anticipatory bail to the petitioner, let the petitioner above-named in the event of his arrest or surrender within four weeks from today, be released on bail on



furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – II, Special Court of Rice Millers, Gaya, in connection with Warsaliganj (Nawada) P.S. Case No. 91 of 2015, subject to the conditions 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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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

