

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18510 of 2021**

Arising Out of PS. Case No.-42 Year-2015 Thana- DARIHAT District- Rohtas

Rajeev Kumar @ Rajeev Tiwari Son Of Kanhaiya Tiwari Resident Of
Village- Ganua, P.S- Darihat, Dist- Rohtas

... .. Petitioner/s

Versus

1. The State Of Bihar
 2. The Dist. Manager, Bihar State Food and Civil Supply Corporation Buxar
- Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amrendra Narayan Rai, Adv.
For the State	:	Mrs. Asha Kumari, APP
For the BSFC	:	Mr. Shailendra Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-07-2021 Heard learned counsel for the petitioner, learned
counsel for the BSFC and learned APP for the State through
virtual court proceedings.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of normal
court proceeding. In the eventuality of non-removal of defects
within undertaken period, the office will place the matter before
the Bench.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 409, 420 of the Indian Penal
Code.

Prosecution case is that the petitioner had entered into
an agreement with the informant for receiving the paddy crops



in the year 2013-14. As per agreement, the petitioner received 4400 quintals of paddy from different centers but with mala fide intention, he did not supply the rice equivalent to 67% of the paddy and thereby misappropriated the sum of Rs. 67,40,063/-.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He submits that earlier anticipatory bail was granted to the petitioner by this Court but due to illness of his mother, he could not comply the said order. He submits that due to non compliance of the order passed by this Court, petitioner is in jail custody in the present case since 23.12.2020. He further submits that 20% of total amount comes to about Rs. 13 lac and odd in which Rs. 5 lacs has been recovered which was deposited by the petitioner as bank guarantee on account of security amount. Apart from that petitioner has already mortgaged immovable property of more than amounting to Rs. 1 crore 50 lacs (land, building and machinery), which is more than double of total alleged defalcated amount Rs. 66,40, 063/-.

However, the petitioner is ready to deposit the due amount as directed by this Hon'ble Court and apart from that it is also submitted that petitioner will not raise frivolous objection if Corporation will auction sale the property pledged to it for



recovery of entire due amount in view of order dated 13.08.2018 passed by Hon'ble Apex Court in similar matter being Cr. Appeal No. 998 of 2018.

In the facts and circumstances of the case as also the above undertaking of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with G.R. No. 426 of 2015/Tr. No. 186 of 2019 arising out of Darihat P.S. Case No. 42 of 2015.

(Anjani Kumar Sharan, J)

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