

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36561 of 2020

Arising Out of PS. Case No.-812 Year-2019 Thana- KHAJANCHI HAT District- Purnia

Satya Prakash Rathore @ Satya Prakash Rathaur (Male), aged about 60 years,
Son of Ram Chandra Rathaur, Resident of H.I.G. - 5/249, Ambedkarpuram
Vikash- III, P.S.- Kalyanpur, Kanpur Nagar, District- Kanpur (U.P.)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Food Corporation of India through its Divisional Manager, Divisional Office, Navratan Hall, Navratan Hata, Behind City Court Mall, Purnea.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Ghosarvey, Advocate
For the State	:	Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 01-07-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Sanjay Kumar Ghosarvey, learned counsel for the petitioner and Mr. Ram Sumiran Rai, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner apprehends arrest in connection with Khazanchi Hat PS Case No. 812 of 2019 dated 04.11.2019 corresponding to G.R. No. 3858 of 2019, instituted under Sections 406/420 of the Indian Penal Code.

4. The allegation against the petitioner is that he being the proprietor of Satya Prakash Rathore Security Agency, had



not paid salary and EPF contribution of the Security Guards he had deputed to Food Corporation of India (hereinafter referred to as the “FCI”) facility at Purnia.

5. Learned counsel for the petitioner submitted that he was a former Wing Commander of the Indian Air Force and after his superannuation had started running an agency for the benefit of ex-servicemen by giving them employment as Security Guards and under such scheme he had taken a contract to provide Security Guards to the FCI. It was submitted that for some time there was non-payment of salary and EPF contribution of the Security Guards deputed to the FCI, Purnia, but the same was on account of non-payment of dues to the petitioner firm by the FCI, Purnia. It was submitted that as per the agreement, the money which was to be received from FCI, Purnia, payment of salary and EPF contribution was to be made. It was submitted that admittedly such payment has been made later on, but as of now, all dues, both with regard to EPF as well as salary, stand cleared, in support of which learned counsel referred to various communications of the FCI itself, copies of which are on record. It was further submitted that even the FCI authorities have themselves written to the superior authorities with regard to withdrawing the case against the petitioner.



Learned counsel submitted that the petitioner is a reputed person and has no criminal antecedent.

6. Learned APP submitted that the petitioner had not made payment to the Security Guards. However, he was not in a position to controvert the fact that the dues now stand cleared and even the FCI itself has recommended for withdrawal of the case, as would be evident from copies of relevant documents on record.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in Khazanchi Hat PS Case No. 812 of 2019 (G.R. No. 3858 of 2019), subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioner, and (ii) that the petitioner shall cooperate with the Court and the police/prosecution. Failure to cooperate shall lead to cancellation of his bail bonds.



8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

9. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

Anjani/-

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