

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 75620 of 2019

Arising Out of PS. Case No.-88 Year-2015 Thana- GOVINDGANJ District- East Champaran

Sachin Kumar, aged about 33 years, Male Son of Harendra Nath Prasad @ Harendra Mahto, Resident of Village - Bakhari Bazar, P.O.- Bakhari Bazar, P.S.- Dumari (Gobardhana), District- West Champaran, Incharge Purchase Centre Paharpur Block, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Bihar State Food Corporation Limited through the District Manager, State Food Corporation Motihari, District-East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Basist Narayan Mishra, Advocate
For the State	:	Mr. Parmeshwar Mehta, APP
For the B.S.F.C.	:	Mr. Siddharth Harsh, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 02-11-2021 Heard Mr. Basist Narayan Mishra, learned counsel appearing on behalf of the petitioner, Mr. Parmeshwar Mehta, learned counsel appearing on behalf of the State and Mr. Siddharth Harsh, learned counsel appearing on behalf of the Informant.

The petitioner apprehends his arrest in connection with Govindganj (Malahi) P.S. Case No.88 of 2015, dated 08.04.2015, registered for offence punishable under Sections 406, 409 and 420 of the Indian Penal Code.

It has been alleged in the FIR that Proprietor of M/S Mannu Traders and Rice Mill, Chatiya entered into an



agreement in the year 2013-14 for milling of 8000/- quintals of paddy grains against which he had to supply rice of 810.00 quintals till 31.12.2014 only supplied 540.00 quintals rice could be supplied and there remained short supply of 4550 quintals of rice. The total cost of loss was calculated at the rate of Rs. 2478.56/- paisa and the loss has been quantified Rs. 1,12,77,448.00/-. On the basis of the short supply allegation of misappropriation has been levelled against the accused persons. The specific allegation is against one Shashi Bhushan, who has been failed to keep proper monitoring with regard to CMR and which relates to misappropriation of Rs. 1,12,77,448.00/-.

Learned counsel for the petitioner submits that he was not involved in defalcation of money and only allegation against him is that he had failed to keep proper monitoring with regard to deposit of the CMR. He further submits that similarly situated other co-accused relating to Govindganj (Malahi) P.S. Case No. 88 of 2015, one Ram Vakil Pandey, who has been granted the privilege of anticipatory bail by order dated 06.05.2019 passed in Cr. Misc. No. 29586 of 2019.

Learned counsel appearing on behalf of the B.S.F.C. opposes the prayer for grant of anticipatory bail and has submitted that several employees of B.S.F.C. are hands in



gloves and just for monetary gain, they are involved in such illegal act in misappropriation and plundering of Government money have put the entire system of PDS in peril.

In the present case, admittedly there is loss of huge amount by not supplying 4550 quintals of rice to B.S.F.C. and without the complicity of the petitioner the millers could not escape from supply of rice in spite of agreement entered with B.S.F.C

Learned counsel appearing on behalf of the State submits that there is a specific finding of the investigation officer in paragraph no. 335 that the Truck whose number has not entered as BR0 4E-2105 on which several quintals of paddy have been transported to the miller is in fact is a five seater taxi having Chesis No. 016231, Engine No. R7GO 417325 and modal no. 2007 which shows that the vouchers which were prepared along with the challans for the said vehicle are forged in connivance with the petitioner.

In view of the fact that the similarly situated co-accused Ram Vakil Pandey has been granted anticipatory bail by this Court vide order dated 06.05.2019 passed in Cr. Misc. No. 29586 of 2019, I am of the opinion that the petitioner be also released on anticipatory bail.



Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the Court below within four weeks from today, on furnishing personal bonds of Rs. 1,00,000/- (One lakh) and also furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned learned Judicial Magistrate-1st Class, Chapra, Saran in connection with Govindganj (Malahi) P.S. Case No. 88 of 2015, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 as also subject to the condition that whenever the police will call the petitioner for investigation/interrogation, he will remain present and if he would not present himself, the privilege of grant of anticipatory bail shall be deemed to have been canceled.

(Purnendu Singh, J.)

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