

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35566 of 2021**

Arising Out of PS. Case No.-362 Year-2017 Thana- RAMGARH District- Kaimur (Bhabua)

KAMLESH TIWARY @ KAMLESH KUMAR TIWARY Son of Madan  
Tiwary Resident of Village - Tiwary Chak, P.S. - Bihta, District - Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
  2. The Bihar State Food and Civil Supplies Corporation. Bihar
- ... .. Opposite Party/s

**Appearance :**

|                          |   |                                 |
|--------------------------|---|---------------------------------|
| For the Petitioner/s     | : | Mrs.Usha Kumari Singh, Adv.     |
| For the Opposite Party/s | : | Mr.Parmeshwar Mehta, APP        |
| For the BSFC             | : | Mr.Shailendra Kumar Singh, Adv. |

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

10    21-07-2022                      Heard learned counsel for the petitioner, learned counsel  
for the BSFC and learned APP for the State.

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

The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 420/409 of the IPC.

Allegation against the petitioner is of doing misappropriation in the auction of paddy by selling it at the rate below the rate fixed by the Government/BSFC due to which, misappropriation to the tune of Rs.80785253.55/- has occurred.

It is submitted by learned counsel for the petitioner that



petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is general and omnibus in nature. He has not misappropriated any Government paddy. It is submitted that the District Magistrate, Kaimur has constituted a committee for auction of balance paddy and the amount was fixed at Rs.830 per quintal. Therefore the D.M., SFC, Kaimur issued letter No.1371 dated 29.12.2016 and directed all concerned In-charge of purchase center and name of petitioner was at serial no.6 and directed to hand over balance paddy to auction purchaser. Petitioner has one criminal antecedent.

Learned APP for the State as well as learned counsel for the BSFC opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, since defalcation of huge amount is alleged against the petitioner, I am not inclined to enlarge him on bail. The prayer for grant of anticipatory bail on behalf of petitioner is rejected.

This application is accordingly dismissed.

**(Anjani Kumar Sharan, J)**

pallavi/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

