

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57600 of 2021

Arising Out of PS. Case No.-31 Year-2018 Thana- SARE District- Nalanda

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Ranjeet Kumar S/O- Rajendra Prasad R/o Village- Bhikhni Bigha, P.S.- Sare,
District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Bihar State Food Corporation. Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Manoj Kumar, Adv
For the Opposite Party/s :	Mr. Parmeshwar Mehta, APP
For the BSFC	Mr. Shailendra Kuamr Singh, Adv

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 21-09-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection
with Special Case No. 02 of 2021 arising out of Sare P.S. Case
No.31 of 2018 for the offences punishable under Sections 420,
406, 409, 120(B) of the Indian Penal Code.

The prosecution case is based on a written complaint
filed by the District Manager, FCI, Nalanda alleging therein that
in Kharif Marketing Season 2016-17 Assistant Godown
Manager received total 23555.43 quintal CMR at Ayush
Bhandar Girh, Asthawan which was sent to different TPDS



godown by release order for distribution to beneficiaries through PDS dealers and on the date under question as per the stock register remaining 9210.56 quintal CMR left in the godown. Further release order was sent in the month of November 2017 and December 2017 to the AGM, Asthawan but instead of sending the CMR to the TPDS godown, he informed that the CMR being damaged the same was returned to the miller for the exchange. It is further alleged that accused Shiv Balak Prasad, Block Agricultural Officer and AGM cum quantity controller, Asthawan was obliged to received CMR at right quantity and standard quality but he failed to discharge his duty and without obtaining any permission from senior officials he returned the CMR to the miller and he is responsible for the loss caused to the FCI. The informant came to the conclusion that Proprietor of the miller, Executive Assistant are also found responsible in causing loss to the FCI.

Learned counsel for the petitioner submits that from the FIR, it is evident that the entire allegation revolves around one Shiv Balak Prasad, Block Agricultural Officer cum Assistant Godown Manger cum quality controller. There is vague and omnibus allegation levelled against the petitioner that he is also responsible for the loss caused to the BSFC



though no allegation has been levelled as to when the supply was made or as to how the BSFS come to the conclusion that substandard CMR has been supplied by the miller. He further submits that the petitioner being miller of Nalanda Rice Mill was only under obligation to receive the paddy from the PACS and whereupon, after milling it the same was to be supplied to FCI Godown and which was received only being found in good quality. He lastly submits that the CMR was received by PACS and thereafter, by the BSFC but at that point of time any complaint has ever been made with regard to sub standard quality. He lastly submits that petitioner having fair antecedent in custody since 19.03.2021 and the investigation of the crime is completed and the charge sheet has been submitted.

On the other hand, learned counsel for the Bihar State Food Corporation opposed the bail application and submits that complicity of the petitioner cannot be ruled out as he was under obligation to supply CMR of standard quality as he had been supplied standard quality of paddy by the PACS.

Regard being had to the submission made on behalf of the parties and considering the nature of allegation and the period of incarceration apart from the fact that the role of the petitioner being miller was to supply only CMR after milling the



paddy and there had never been any complaint earlier, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Magistrate, Permadi Rice Mill, Patna in connection with Special Case No. 02 of 2021 arising out of Sare P.S. Case No. 31 of 2018 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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