

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.7851 of 2023

Arising Out of PS. Case No.-155 Year-2013 Thana- AMAS District- Gaya

OM PRAKASH S/O VISHWANATH PRASAD R/o mohalla- Chotki Delha,
P.S.- Delha, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Assistant Manager. State Food Corporation, Sherghati, Gaya Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Chitranjan Sinha, Sr. Adv. Mr. Sanjeet Kumar
For the State	:	Mr. Parmeshwar Mehta
For the B.S.F.C.	:	Mr. Shailendra Kumar Singh Ms. Usha Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 18-05-2023 Heard learned Senior Counsel for the petitioner,

learned Counsel for the Bihar State Food Corporation and

learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Amas Police Station Case No. 155 of 2013, dated 22.11.2013, disclosing offences under Sections 409/420/34 of the Indian Penal Code and Section 7 of the Essential Commodities Act.

The First Information Report was lodged in the year 2013 for an event which took place in the year 2012-13 inasmuch as for milling rice, the Bihar State Food Corporation



delivered the paddy to the miller for giving the C.M.R., but the miller misappropriated the paddy and did not deliver C.M.R. to the Bihar State Food Corporation as per the agreement and thereby defalcated 16044.29 quintals of C.M.R.

Learned Senior Counsel for the petitioner submits that the petitioner is not named in the First Information Report. The petitioner is a transporter and was selected by the Bihar State Food Corporation for delivery of the paddy and other articles from the godown of the Bihar State Food Corporation to the miller. The petitioner delivered the required quantity of paddy to the miller and after being satisfied, the Bihar State Food Corporation paid the transportation bill in favour of the petitioner. Referring to the First Information Report, he submits that the concern miller has accepted and has given acknowledgment (Page 43) that the petitioner delivered the paddy in his mill. He next submits that the petitioner has been dragged in this case without any material on a request being made by the Investigating Team in the year 2022 that the involvement of the petitioner is also there, but no material has been brought on record to connect the petitioner with the present offence.

On the other hand, learned Counsel for the Bihar



State Food Corporation vehemently opposes the prayer for bail and submits that the petitioner was the transporter and was also involved in the defalcation of the paddy and the C.M.R. and as such the Investigating Officer, during the course of investigation, found involvement of the petitioner also and made a request for issuance of warrant against him.

I have heard learned Counsel for the parties and have gone through the materials available on record.

The petitioner is not named in the First Information Report. The concerned miller has given the acknowledgment before the District Magistrate, Gaya, that the petitioner, being the transporter, has delivered 24000 quintals of paddy at the mill. The petitioner has also got his transportation bill from the Bihar State Food Corporation. Accordingly, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Sherghati, Gaya, in connection



with Amas Police Station Case No. 155 of 2013, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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