

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15661 of 2023

Arising Out of PS. Case No.-17 Year-2015 Thana- KUNDWACHAINPUR District- East
Champaran

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CHANDRIKA PRASAD SINGH SON OF LATE LUCHI SINGH R/O
HOUSE NO. A/1, MAGALAM COLONY, BAILY ROAD, SAGUNA, P.S.-
DANAPUR, DISTRICT- PATNA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. THE DISTRICT MANAGER, BIHAR STATE FOOD AND CIVIL
SUPPLIES CORPORATION MOTIHARI EAST CHAMPARAN BIHAR
BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K.Agrawal, Sr. Adv. Mr. Amrendra Narayan Rai
For the Opposite Party/s :		Mr. Parmeshwar Mehta Mr. Shailendra Kr. Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 22-06-2023 Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case registered for the offence under Sections 406, 409, 420, 120(B) of the Indian Penal Code.

It is alleged that this petitioner, in association with rice miller, under a conspiracy embezzled huge amount of government fund.

It is submitted on behalf of petitioner that from bare perusal of the F.I.R., it is apparent that for the alleged occurrence, the F.I.R. was lodged by the informant only against



Smt. Sheela Devi (proprietor of rice mill), not against petitioner. It is further submitted that during course of investigation, police found the case true against the rice miller and submitted chargesheet, but it is surprising that after several years of retirement, petitioner has been implicated in this case only when SIT was constituted in the instant case and petitioner was dragged because he was posted as Assistant Accounts Officer of S.F.C. Motihari at the relevant time, who after attaining the age of 60 years, retired on 30.09.2014. It is next submitted that as per provision, selection of the rice mill for milling the paddy procured by SFC on behalf of the Government is done by the District administration in which all the required papers of mill is produced by the millers. Thereafter, after verification of papers and physical inspection by the senior officials of district administration, concerned District Manager is allowed to make agreement with the millers for milling the paddy. Thereafter, on the requisition made by the miller concerned District Manager issue SIO (Store Issue Order) in name of the incharge, sell center to the delivery of the paddy to the miller, then paddy is lifted by the transporting agent of the corporation from the said sell center and then delivery is made to the miller. Thereafter, it is duty of the miller to store the paddy and supply/deposit the



CMR to the FCI godown through the transporter within the time framed by the Govt. of India. Lastly, it is submitted that co-accused Shila Devi and Upendra Kumar have already been granted anticipatory bail by this Court, vide order dated 18.08.2015 passed in Cr.Misc. No. 32083 of 2015 and order dated 25.07.2022 passed in Cr.Misc. No. 39494 of 2021 respectively (Annexure 2 series).

However, considering the fact that Shila Devi (rice miller) and another co-accused Upendra Kumar have already been granted bail by this Court and petitioner has already superannuated, in the event of his arrest/surrender within a period of six weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Kundwa Chainpur P.S. Case No. 17 of 2015, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure with further two conditions:

“(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.



(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J)

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