

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55570 of 2022

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

VINAY KUMAR THAKUR SON OF BISESHWAR PRASAD THAKUR
R/O BHAWANIPUR JIRAT, P.S.- CHHATAUNI TOWN, DISTT.- EAST
CHAMPARAN

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, Bihar State Food Corporation, Motihari, East
Champaran Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Lal Babu Singh
For the State	:	Mr. Parmeshwar Mehta
For the BSFC	:	Mr. Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 23-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 406, 409, 420 and 120B of the Indian Penal Code pending in the learned court below.

As per the prosecution case, accused person Smt. Shila Devi, proprietor, Jagdamba Rice Mill entered into agreement and received 50963.40 Qnt. For milling and she was required to supply 67% CMR i.e., 34145.5 Qnt. In the godown of BSFC within prescribed period of the Government of India



but the accused Smt. Shila Devi supplied only 21455.478 Qnt. CMR and remaining CMR amounting to Rs. 4,64,63,124.94/- has been embezzled by her.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that the petitioner was appointed as Transporting-cum-Handling Agent under the District of East Champaran during short time of relevant period and for that there was already an agreement between the petitioner and BSFC and the petitioner has also furnished the details of vehicles including a Truck bearing Registration No. BR-05G-2984 to the BSFC. He submits that the petitioner has hired a truck bearing Registration No. BR-05G-2984 for his transporting work under BSFC and not a Tractor bearing some Registration No. BR-05G-2984, therefore, the statement of the owner of the Tractor has nothing to do with the petitioner and it is true that the petitioner has not hired any Tractor for transportation. He further submits that petitioner has got no criminal antecedent as stated in para-3 of the bail application.

Learned APP for the State opposes for prayer for bail.

Considering the aforesaid facts and circumstances, let the petitioner, named above, in the event of his arrest/surrender



before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Kundawa Chainpur P.S. Case No.17/2015, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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