

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73876 of 2022

Arising Out of PS. Case No.-17 Year-2016 Thana- RAGHOPUR District- Supaul

Ram Paras Mukhiya S/O Late Shiv Narain Mukhiya R/V- Shitalpur, Ward No. 4, P.S.- Raxaul, District- East Champaran, The Then Block Agriculture Officer-Cum-In-Charge Of Paddy Procurement Center, Trivenigaj, District- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. The General Manager, B.S.F.C. (Bihar State Food Corporation), Daroga Rai Path Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ajit Kumar Singh, Advocate
For the Opposite Party/s :	Mr. Dilip Kumar No. 1, APP
For the BSFC :	Mr. Shailendra Kumar Singh, Advocate
	Mr. Utkarsha Utpal, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 15-05-2023 Heard learned counsel for the petitioner, learned counsel for the BSFC and learned APP for the State.

Learned counsel for the BSFC has filed a counter affidavit in the present case.

Let it be kept on record.

The petitioner apprehends his arrest in Raghapur (Supaul) P.S. Case No. 17 of 2016 in a case registered for the offences punishable under Sections 406, 409, 420 of the Indian Penal Code and later on Section 467, 468, 471 and 120(B) of the Indian Penal Code and Sections 12, 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act were added



pending before the Court of learned Chief Judicial Magistrate, Supaul.

As per the persecution case, allegation against the petitioner is that he has signed on the challan. The vehicles mentioned in the challans is in fact different than which has actually found on the investigation. It is alleged that the challans are forged and fabricated.

Learned counsel for the petitioner submits that no such occurrence as alleged ever took place. He has been falsely implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that some of the co-accused has been granted anticipatory bail by the learned court below as enclosed in Annexure-2 of the bail application. There is no specific overt act against the petitioner. He submits that the Miller has received 5457.65 M.Ts. Paddy and he has to deposit CMR 67 per cent of the received quantity of paddy i.e. 3656.628 M.Ts. but the Miller has only deposited 1512 M.Ts. and the said CMR 2144.628 M.Ts. could not be deposited by him, the cost of rest CMR as mentioned above at the rate of 2478.56 per quintal fixed by the Food Corporation of India comes to Rs. 5,31,55,891.76/- only, out of which the said Miller deposited



only Rs. 91 lakhs and the rest amount of Rs. 4,40,55,891.76/- has not been deposited by the Miller. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State as well as learned counsel for the BSFC opposed prayer for anticipatory bail and submitted that the petitioner was fully aware of the fact that no paddy has been transported rather mere documents showing it has been forged. The petitioner seems to be actively involved in the crime. Hence, he does not deserve privilege of anticipatory bail.

Considering the facts and circumstances of the case, nature of the offence and the huge amount of embezzlement by the petitioner and other co-accused, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

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