

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38021 of 2023

Arising Out of PS. Case No.-81 Year-2023 Thana- UDWANTNAGAR District- Bhojpur

Sri Rahul Raj Singh, (Male), aged about 31 years, Son of Late Ram Pravesh Singh, Resident of Mohalla - Shivpuri, Rajbanshi Nagar, Road No.- 2, P.S.- Shashtri Nagar, District - Patna. At present posted at the post of Assistant-Cum-Centre Incharge, PEG Kasap Ara (Bhojpur).

... .. Petitioner

Versus

1. The State of Bihar.
2. Food Corporation of India.
3. Bihar State Warehousing Corporation.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. N.K. Agarwal, Senior Advocate and Mr. Kumud Kishore, Advocate
For the F.C.I.	:	Mr. Saket Tiwary, Advocate
For the B.S.W.C.	:	Mr. Mithilesh Kumar Rai, Advocate
For the State	:	Mr. Parmeshwar Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

12 12-02-2024 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned senior counsel for the petitioner, learned counsel for the F.C.I., learned counsel for the B.S.W.C. and learned A.P.P. for the State.

3. The petitioner is apprehending his arrest in connection with Udwantnagar P.S. Case No. 81 of 2023 dated 18.02.2023 registered for the offences punishable under Sections 406, 409 and 420 of the I.P.C.



4. As per the prosecution case, under supervision of Bihar State Warehousing Corporation (B.S.W.C.), the PEG Godown, Kasap, Bhojpur, which was running undertaking care of everything and staffs of Sri Anand Raj Jhawar, Proprietor of R.R. Agrotech who is the investor-owner of the said godown. The petitioner and the co-accused persons in connivance with one another misappropriated/defalcated food grains of F.C.I. in the tune of Rs. 4,04,32,953.00 (Rupees Four crore four lac thirty two thousand nine hundred and fifty three). The aforesaid warehouse under PEG, Kasap, Ara, is operated by the investor of PEG godown, Supervisory work under B.S.W.C of the aforesaid warehouse, entrusted to Sri Rahul Raj Singh, Assistant-cum-Centre Incharge and Sri Sanjay Kumar Singh, Contractor is doing transporting work. The key of the said warehouse was kept under the custody of the co-accused, Anand Raj Jhawar.

5. Learned senior counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. It is submitted that during the inquiry conducted by four men committee constituted by B.S.W.C., has clearly stated that Anand Raj Jhawar, Proprietor of R.R. Agrotech, who is an investor of PEG, Kasap, Ara, warehouse, is



prima facie responsible for the aforesaid offence. The petitioner was only responsible for supervising the aforesaid warehouse/godown. Hence, no offence under Sections 406 and 409 of the I.P.C. is made out against the petitioner. The certificate case for recovery of the above said defalcated amount has been ordered to be lodged only against the co-accused Anand Raj Jhawar not against the petitioner issued vide Memo No. 302/Legal/W.C., Patna dated 20.02.2023 by the Managing Director, B.S.W.C., Patna to Sri Mithilesh Kumar, Divisional Manager, Revenue, B.S.W.C., Patna, annexed as Annexure-9 to the supplementary affidavit filed on behalf of the petitioner. The petitioner is an innocent person and he was discharging his duty regularly and punctually and used to inform the informant about irregularities committed in the PEG, Kasap, Ara by the employees of investor Anand Raj Jhawar. The petitioner has one criminal antecedent in which he is on bail as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State, learned counsel for the F.C.I., and learned counsel for B.S.W.C. have opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his



arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Bhojpur, Ara, in connection with Udwant Nagar P.S. Case No. 81 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition:-

I. The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

(Chandra Prakash Singh, J)

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