

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49387 of 2024

Arising Out of PS. Case No.-196 Year-2024 Thana- MOHANIYA District- Kaimur (Bhabua)

Kamlesh Sharma, S/o- Krishna Lohar @ Krishna Sharma, resident of Village-
Katara Kala, PS- Mohania Dist- Kaimur at Bhabua.

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. The Bihar State Food Corporation, Bihar , Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Narendra Kumar
For the State	:	Mr. Parmeshwar Mehta
For the B.S.F.C.	:	Mr. Shailendra Kumar Singh
		Mr. Narendra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 312-09-2024
1. Heard learned counsel for the petitioner, the learned counsel appearing on behalf of the B.S.F.C. and learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in Mohania P. S. Case No.196 of 2024 registered for the offences punishable under Sections 409 and 420 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that Katara Kala PACS purchased 11253 quintals of paddy from 89 farmers, out of which 8097 quintals of paddy was given to Kushwaha Agro Industries and Kudra



Rice Mill, out of which 5222.90 quintals of CMR, was supplied to the SFC and 3205.53 quintals of paddy remained with the PACS. Further alleges that it was the duty of Babban Singh and Kamlesh Sharma, President and Secretary of the PACS for supplying the CMR, but they ignored all the notices and siphoned off 3205.53 quintals for Rs.65,39,281/-.

4. The learned Counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case being Secretary of the PACS. It is next submitted that petitioner prior to the occurrence had already submitted his resignation on grounds of health to Babban Singh, being president of the PACS and his resignation was also accepted by the president of the PACS as would manifest from Annexure-2, Page 25 to the anticipatory bail application. The learned Counsel thus submits that when petitioner was not the Secretary of the PACS as his resignation was accepted on 06.11.2022 by the President of the PACS, then on what basis it is being alleged that the petitioner was involved in the occurrence. It is also submitted that the petitioner was appointed as Secretary of the PACS by the President and owes no responsibility towards the SFC rather his duty is to assist



the President in his work. It is also submitted that the PACS purchases the paddy from the farmers and keeps the same in the godown of SFC and the paddy from the godown is sent to the concerned miller for milling, as such, petitioner being Secretary of the PACS had no concern with the paddy in question.

5. Learned counsel appearing on behalf of the BSFC opposes the anticipatory bail application of the petitioner and submits that a bald plea has been taken that petitioner, being Secretary of the PACS, had resigned and his resignation was accepted by the President. It is submitted that if the resignation of the petitioner was accepted by the President of the PACS, in that event, the entire liability will shift on the President of the PACS. It is also submitted that present plea has been taken by way of afterthought. It is also submitted that had the petitioner resigned as Secretary of the PACS as being submitted, in that event, the petitioner would have represented before the concerned Superintendent of Police or the Investigating Officer bringing to their notice that petitioner prior to the occurrence had resigned and his resignation was accepted, so that his defence could have been investigated, but



then from pleadings made in the anticipatory bail application, it would manifest that the pleadings does not even remotely suggest that petitioner had ever approached the police authorities bringing to their notice the aforesaid fact, which is being pleaded and submitted before this Court. It is further submitted that money of poor farmers are siphoned off by persons like petitioner and the siphoning of money is more than 50 lacs and the investigation is still continuing.

6. Considering the submissions made by the learned counsel appearing on behalf of the BSFC, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

7. Accordingly, the prayer of the petitioner for anticipatory bail stands rejected.

(Satyavrat Verma, J)

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