

Arising Out of PS. Case No.-115 Year-2015 Thana- SAUR BAZAR District- Saharsa

... .. Petitioner/s

Versus

... .. Opposite Party/s

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Arvind Kumar

5 05-09-2024 1. Heard learned counsel for the petitioner, learned Special P.P. for the Vigilance, Mr. Anil Singh and the learned counsel appearing on behalf of the BSFC, Mr. Shailendra Kumar Singh.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406, 420, 409, 467, 468, 471 and 120(B) of the Indian Penal Code read with Sections 12, 13(2) and 13(i)(d) of the Prevention of Corruption Act.

3. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case based on an inquiry conducted behind his back. It is next submitted that in sum and substance, the informant in the FIR alleges that Bihar State Food and Civil Supplies Corporation Limited,



Saharsa had entered into an agreement with M/S Kosi Rice Mill, Sour Bazar and in terms of the agreement, the Kosi Rice Mill had agreed to supply rice/CMR in lieu of the paddy given to it by the Corporation, it is next alleged that Kosi Rice Mill failed to supply 10179.72 quintals of rice, thus, causing loss to the Corporation to the tune of Rs. 2,20,44,577/-.

4. The learned counsel for the petitioner submits that petitioner was appointed on a contractual basis as Executive Assistant to assist the Assistant Godown Manager, Salkhua Purchase Center. It is further submitted that the role of the petitioner was to maintain the register i.e. how much paddy is being sent to different rice millers. It is next submitted that petitioner, in no way, had authority to give paddy to any of the rice mill rather that authority was with the District Manager of the SFC. It is next submitted that petitioner is not named in the FIR nor any suspicion has been raised against him, but then he has been implicated in the instant case during the course of investigation on the ground that he was working as an Executive Assistant to assist the Assistant Godown Manager and as such had role in supply of paddy to the millers. It is next submitted that it is not the case of the prosecution that petitioner is a permanent employee rather is a contractual employee and as



such was appointed only to assist the Assistant Godown Manager and had absolutely no power to deal with supply of paddy to the rice mill for obtaining CMR. It is also submitted that petitioner will not abscond rather will co-operate in the investigation to prove his innocence.

5. Learned Special P.P. for the Vigilance and learned counsel appearing on behalf of the BSFC oppose the prayer for anticipatory bail of the petitioner, but are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that petitioner was an Executive Assistant appointed to assist the Assistant Godown Manager and in no manner was responsible for supplying paddy to the rice mill for obtaining CMR.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Sour Bazar (Patarghat) P.S. Case No. 115 of 2015 corresponding to Special



Vigilance Case No. 953 of 2015 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

Rishabh/-

U		T	
---	--	---	--

