

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82381 of 2023

Arising Out of PS. Case No.-437 Year-2023 Thana- PHULPARAS District- Madhubani

Upendra Narayan Yadav S/O Late Awadh Lal Yadav Village- Bathnaha, Ps.
Phulparas, Dist. Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The SFC State Of Food Corporation Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Prakash, Advocate
		Mr. Gagandeo Yadav, Advocate
For the Opposite Party/s	:	Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

10 16-12-2024 Heard learned counsel for the petitioner and learned
counsel for the Bihar State Food Corporation.

02. In the present case, the petitioner is apprehending
his arrest in connection with Phulparas P.S. Case No. 437 of
2023, registered on 23.08.2023, for the alleged offence under
Sections 420 and 409 of the Indian Penal Code.

03. As per prosecution case, the petitioner being the
Chairman of PACS defalcated 522.212 metric ton paddy worth of
Rs. 1,07,83,677.80/- equivalent to 355.10 metric ton of Custom
Milled Rice (CMR).

04. The matter was first listed before this Court on
10.01.2024 and the learned counsel for the petitioner, on
instruction, submitted that the petitioner was ready to deposit the



equivalent amount of the CMR in installments. Learned counsel further submitted that 25% amount would be deposited within one week. It appears on subsequent date no submission has been made with regard to making payment of 25% of the defalcated amount or any of the installments. Today, the learned counsel for the petitioner seeks further time of one week for making the payment submitting that so far the petitioner has been able to deposit only Rs. 4,50,000/- and he is making arrangement of money for depositing the equivalent amount of the CMR.

05. The prayer for time is rejected.

06. Learned counsel for the petitioner further submits that petitioner is innocent and has been falsely implicated in this case. The petitioner never embezzled any paddy. The FIR has been registered in violation of Bihar Co-operative Act, 1935. There is nothing in the FIR to show the manner in which the petitioner has been entrusted with any property or was having dominion over the property in his capacity of PACS chairman. The allegation is vague against the petitioner. The petitioner is having clean antecedent.

07. Learned counsel appearing on behalf of Bihar State Food Corporation vehemently opposes the submission made on behalf of the petitioner. Learned counsel submits that



during inspection, it was found that 692.800 metric ton paddy was purchased by the concerned PACS and the equivalent of which was 471.104 metric ton of custom milled rice (CMR). However, only 116.00 metric ton of CMR was handed over to the State Food Corporation, Madhubani. On inspection, 522.212 metric ton of paddy equivalent to 355.104 metric ton of CMR should have been in the godown but no such quantity either of the CMR or the Paddy was found in the godown of PACS presided over by the petitioner. Hence, the petitioner has direct involvement in the present case.

08. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the seriousness of allegation, I do not think it is a fit case for grant of anticipatory bail to the petitioner. Hence, the prayer for anticipatory bail of the petitioner is **rejected**.

(Arun Kumar Jha, J)

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