

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89391 of 2024

Arising Out of PS. Case No.-652 Year-2023 Thana- MUFFASIL District- West Champaran

1. Pappu Sah @ Pappu Kumar Kanawjiya son of Late Manu Sah village- Killa Mohalla, Behind the House of Sita Rajgadhiya, Ps- bettiah town, Dist- West Champaran
2. Jitendra Kumar @ Abhinash Kumar Son of Late Banaras Sah village- Supriya Cinema Road, Bettiah, Behind LIC Bettiah, west Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 27-01-2025 1. Heard learned Counsel for the petitioners and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Bettiah (Muffasil) PS case no. 652 of 2023, disclosing offences punishable under Section 379 and other allied sections of the Indian Penal Code.
3. The prosecution story, as per the Complaint-cum-First Information Report, is that during the period 2010-14, the informant was running the rice mill in the name of style of Ms. Om Sai Ram Rice Mill. The informant filed a complaint case no. 1679 of 2023, which was converted into F.I.R. under Section 156(3) of Cr.P.C. bearing Bettiah (M) PS Case no. 35 of



2017, stating therein that the informant entered into an agreement with the Bihar State Food Corporation Limited, Bettiah (in short "B.S.F.C.") for milling of paddy for the year 2011-12 and the informant received 32525.00 quintals of paddy from B.S.F.C. The informant supplied 19980.00 quintals of rice and 181215.200 quintals was to be supplied. It is further stated that he had supplied rice through Lot No. 6/64, 6/65, 6/69, 6/70 to B.S.F.C. weighing 1080 quintals of worth Rs. 20,52,000/-, which was rejected on the ground of poor quality, which the petitioners being transporters, did not return to the informant.

4. It is further alleged in the present complaint-cum-F.I.R. that 20-25 pages of letterheads signed and sealed by the informant without date were kept in the rice mill, which were stolen by unknown persons, regarding which the informant lodged Sanha No. 604 of 2014 on 20.12.2014 in Bettiah Muffasil Police Station. The petitioners were granted anticipatory bail by this Court in Cr. Misc. No. 72688 of 2022 and Cr. Misc. No. 218 of 2023, in connection with the earlier cases filed by the informant bearing Bettiah (M) PS Case No. 35 of 2017, alleging misappropriation of rice by the petitioners. The informant came to know from the anticipatory bail petitions filed by the petitioners in connection with



aforesaid case, in the High Court, that on 11.10.2012, 16.10.2012 and 01.11.2012, the petitioners have returned the rejected rice to the informant. Thus, the allegation is that receipts produced in the Court for bail by the petitioners showing the return of four lots of rice were made on stolen letter heads, as such, the petitioners have committed forgery in order to create evidence and get bail.

5. Learned Counsel for the petitioners submits that petitioners have falsely been implicated in this case with ulterior motive in order to defend themselves before the B.S.F.C. for not supplying the rice (CMR) as per agreement. Learned counsel further submits that Bettiah (M) PS Case No. 35 of 2017 was lodged by the informant and a co-ordinate Bench of this Court, taking note of falsity of the allegation, granted anticipatory bail to the petitioners. Learned counsel next submits that after the petitioners were granted bail in the first case, lodged by the informant, a complaint-cum-second F.I.R. has been lodged in order to grab the rice of B.S.F.C., in lieu of paddy which was supplied by B.S.F.C. to the informant. Referring to Annexure-4 series, which are receipts issued by the informant regarding return of the rejected rice to the informant by the petitioners, learned counsel submits that the informant is admitting his



signature, seal on his letterheads/ receipts dated 11.10.2012, 16.10.2012 and 01.11.2012 but deny the receipts on the ground that the same was stolen and misused by the petitioners. Lastly, it is submitted that the informant has lodged the present F.I.R. in order to save his own skin and to grab the rice of B.S.F.C.

6. On the other hand, learned counsel for the informant opposed the prayer for anticipatory bail and submits that 1080 quintals of rice was sent to the F.C.I. godown through the petitioners, who are transporters/ agent of transporters engaged by B.S.F.C. under Lot No. 6/64, 6/65, 6/69, 6/70. He further submits that petitioners claimed to have returned the rice of Lot No. 6/65 on 16.10.2012 but from perusal of Annexure 1 series, it would be evident that the rice was rejected by the B.S.F.C. for various reasons on 07.11.2012, as such, the petitioners could not have returned the rice of Lot No. 6/65 on 16.10.2012.

7. I have heard learned counsel for the parties and perused the materials on record. Upon perusal of the receipts produced by the petitioners regarding return of rice (Annexure-4 series), it appears that C.M.R. (Rice) of Lot No. 6/65 was rejected by the B.S.F.C. and the rejected rice was returned by the petitioners to the informant on 16.10.2012. From the



Rejection Register, annexed by the informant in the counter affidavit at Annexure-R/1, it appears that Lot of 6/65 was rejected on 15.10.2012, which was seen by the higher authority on 07.11.2012. Lot No. 6/65 was dispatched by the informant through the petitioners on 15.10.2012 itself. The petitioners have been granted anticipatory bail by this Court in the first F.I.R. lodged by the informant.

8. Considering the above facts and circumstances, I am inclined to grant the privilege of anticipatory bail to the petitioners.

9. This application is, accordingly, allowed.

10. Let petitioners, abovenamed, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah (Muffasil) PS case no. 652 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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