

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46489 of 2023

Arising Out of PS. Case No.-317 Year-2023 Thana- SITAMARHI District- Sitamarhi

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DHANANJAY KUMAR @ DHANANJAY SON OF RAJENDRA THAKUR
RESIDENT OF VILLAGE- MADHUBANI, TIWARI TOLA, P.O.
DARIYAPUR, P.S.- SANGRAMPUR, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

1. The State of Bihar
2. DISTRICT MANAGER, BIHAR STATE FOOD AND CIVIL SUPPLY
CORPORATION LTD., SITAMARHI BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Dubey, Adv. Mr. Kumar Gaurav, Adv. Mr. Shashank Kashyap, Adv. Ms. Sheshadri Kumari, Adv. Mr. Sumit Shekhar Pandey, Adv.
For the State	:	Mr.J.N. Thakur, APP
For the BSFC	:	Mr. Shailendra Kumar Singh, Adv.

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 25-02-2026 Heard the parties.

2. This application has been filed for quashing the First Information Report bearing Sitamarhi P.S. Case No. 317 of 2023 dated 18.042023 registered for an offence punishable under Sections 420, 406, 409 and 120B of the Indian Penal Code.

3. The present FIR, being Sitamarhi P.S. Case No. 317 of 2023, has been registered on the basis of a written report submitted by Lalu Kumar Singh, the then District Manager, State Food Corporation, Sitamarhi. At the relevant point of time, the petitioner was Assistant Godown Manager of CMR Collection Centre No. 5. The allegation, in brief, is that on



16.04.2023, CMR rice was dispatched to the CMR Godowns at Nanpur and Runni Saidpur through certain trucks, from the Godown of collection centre no. 5. It is alleged that though in the truck challans mentioned as fortified rice (“*Usna Rice*,”) but upon verification by the Sub-Divisional Officer, Sitamarhi Sadar and the Sub-Divisional Officer, Pupri at the destination godowns, the trucks were found loaded with “Arwa Rice,” which is approximately Rs. 400/- per quintal cheaper than fortified rice (*Usna Rice*). It is further alleged that five trucks carrying 1,225 quintals of rice were supplied with Arwa Rice instead of fortified rice (*Usna Rice*) which caused an alleged wrongful gain of Rs. 4,90,000/- and a corresponding financial loss to the Corporation. On the basis of the aforesaid allegations, the petitioner, along with the co-accused persons, has been made accused of the offences of misappropriation and criminal conspiracy.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. He was in charge of two godowns and at the time of loading of the trucks, he was not present at the place of occurrence. He has further submitted that vide order dated 20.07.2023, the State of Bihar was directed to file a counter



affidavit, but it has not yet been filed.

5. The petitioner is named in the FIR with specific allegation that, being the Assistant Godown Manager/in-charge of the godown, allegedly he misappropriated government funds by loading *Arwa Rice* in place of fortified rice (*Usna Rice*). The inquiry was conducted by two government authorities; The first inquiry was conducted by the informant himself whereas the second was conducted by the Sub-Divisional Officer, Sitamarhi. Both enquiring authorities found that *Arwa Rice* had indeed been loaded on those trucks in place of fortified rice (*Usna Rice*).

6. I do not find any merit in the submission of the learned counsel for the petitioner and accordingly, this Criminal Miscellaneous Application is *dismissed*.

(Nawneet Kumar Pandey, J)

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