

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28714 of 2015

Arising Out of PS.Case No. -165 Year- 2015 Thana -KUDRA District- BHABHUA (KAIMUR)

Umesh Kumar Singh, S/o late Kashinath Singh, r/o village – Ghatawna, P.S.
– Kudra, District – Kaimur at Bhabhua

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

with

Criminal Miscellaneous No.31605 of 2015

Arising Out of PS.Case No. -165 Year- 2015 Thana -KUDRA District- BHABHUA (KAIMUR)

1. Umesh Kumar Srivastava S/o Deena Nath Lal Resident of Village-
Nathunpur, P.S.- Kudra, District- Kaimur (Bhabua)
2. Asfaq Ahmad S/o Alnul Haq Resident of Village- Bahuara, P.S.-
Kudra, District- Kaimur (Bhabua)

.... Petitioner/s

Versus

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

.... Opposite Party/s

with

Criminal Miscellaneous No.31387 of 2015

Arising Out of PS.Case No. -165 Year- 2015 Thana -KUDRA District- BHABHUA (KAIMUR)

1. Shakir Ansari Son of Barfati Ansari resident of Village - Bahuyara, P.s
Kudra, District Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar and Ors
2. The Managing Director, Bihar state Food Corporation , Kaimur (Bhabua)

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.28714 of 2015)

For the Petitioner/s : Mr. Shyam Bihari Singh
For the Opposite Party/s : Mr. Sanjay Kr. Tiwary No.1 (App)

(In Cr.Misc. No.31605 of 2015)

For the Petitioner/s : Mr. Shyam Bihari Singh
For the BSFC : Mr. Awadhesh Kumar
For the Opposite Party/s : Mr. Madhuranand Jha(App)

(In Cr.Misc. No.31387 of 2015)

For the Petitioner/s : Mr. Shyam Bihari Singh
For the BSFC : Mr. Awadhesh Kumar
For the Opposite Party/s : Mr. Sanjay Kr. Tiwary No.1 (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

5. 24-11-2015 Heard both sides.

The petitioners apprehend their arrest in Kudra P.S. Case No. 165/2015, registered for the offences punishable under Section 420, 409 and 120B of the Indian Penal Code.

The petitioners Umesh Kumar Singh and Sakir Ansari are the Chairmans of Ghataon and Kharhana PACS and petitioners Umesh Kumar Srivastava and Asphaq Ahmed are the Secretaries of Ghataon and Kharhana PACS.

The allegation is that the petitioners being Chairman and Secretary of different PACS made payment of price of paddies on the basis of forged and fabricated Enforcement Land Certificate.

It is submitted that the C.A.G. pointed out about the illegal payment to the farmers who showed fake and fabricated land certificate, but in pursuance thereof enquiry was held by the District Cooperative Officer and the D.C.O. vide annexure 3 submitted his enquiry report and disclosed that no illegality was committed by the Chairman and Secretary of both the PACS. The payment was made to the farmers through cheques after purchasing paddies. Re-enquiry was also ordered. Again vide

annexure 5 the District Cooperative Officer, Kaimur (Bhabhua) found no illegality committed by the petitioners and it was found that the petitioners made payment of price of paddy through cheques to different farmers.

Learned counsel for the B.S.F.C. however, opposed prayer for bail.

Having Considered the fact that the petitioners purchased paddy from different farmers and made payment through cheques, the stock register and purchase register was also found entry and no farmers made any complaint about non-payment of the price of paddy, the petitioners, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged 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 the learned Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Kudra P.S. Case No. 165/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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