

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37217 of 2015

Arising Out of PS.Case No. -104 Year- 2014 Thana -HASPURA District- AURANGABAD

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Shyama Charan Prasad son of Late Kalash Lal Village Raghunathpur P.S.
Haspura District Aurangabad

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Bindeshwar Prasad Singh, Advocate.

For the Opposite Party : Mr. Dilip Kumar, (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 08-12-2015 Heard learned counsel for the petitioner, learned APP as well as the learned counsel appearing for Aurangabad Cooperative Bank.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 420 and 409 of the Indian Penal Code.

The petitioner was granted cash credit of Rs. 52,40,000.00/- to purchase paddy from the farmers but the petitioner issued cheque of Rs. 74,58, 094.78/- and deposited Rs. 50,42,996.40/-.

Learned counsel for the petitioner submits that the petitioner has already deposited the entire purchased paddy to the godown of B.S.F.C. and he did not misappropriate any amount. It

is further submitted that Ajay Singh similarly situated co-accused has already been enlarged on regular bail vide orders passed in Cr. Misc. No. 49902 of 2015 on 09.11.2015.

From perusal of the records it appears that, of course, the petitioner was given cash credit limit up to Rs. 52,40,000.00/-. The petitioner issued cheques and purchased paddy deposited in the B.S.F.C. godown, but from statement of Aurangabad District Central Cooperative Bank Ltd. Haspura, Purhara PACS Register it appears that on different dates Rs. 74,58,094.78/- was withdrawn on the cheques issued by the petitioner, but the petitioner purchased paddy of Rs. 50,42,996.40/- and the remaining Rs.. 24,15,098.38/- is still lying with the petitioner. The petitioner had issued cheques and the amount was withdrawn without purchasing the paddy from the farmers. Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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