

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.413 of 2015

Arising Out of PS.Case No. -189 Year- 2014 Thana -KUDRA District- BHABHUA (KAIMUR)

1. Sikandar Singh Son of Late Rakatu Singh Resident of Village-Baghi,P.S-Sonhan,District-Kaimur-Bhabhua

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.11254 of 2015

Arising Out of PS.Case No. -189 Year- 2014 Thana -KUDRA District- BHABHUA (KAIMUR)

1. Pramod Kumar Choubey @ Pramod Choubey S/o Late Kedar Nath Choubey resident of village - Dumari, P.S. Simari, District - Buxar

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.20026 of 2015

Arising Out of PS.Case No. -189 Year- 2014 Thana -KUDRA District- BHABHUA (KAIMUR)

1. Bipin Kumar Singh S/o Jagdish Narayan Singh Resident of Village Bararhi, P.S. Chand, District Kaimur.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.413 of 2015)

For the Petitioner : Mr. Raghunandan Kumar Singh

For the Opposite Party : M.Dayal (App)

(In Cr.Misc. No.11254 of 2015)

For the Petitioner : Mr. Dewendra Narayan Singh

For the Opposite Party : Mr.M.Dayal (App)

(In Cr.Misc. No.20026 of 2015)

For the Petitioner : Mr. Prabhakar Singh

For the Opposite Party : Mr. M.Dayal(App)

**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER**

5 02-07-2015

All the applications arise out of Kudra P.S. case no. 189 of 2014 and as such they have been heard together and are being disposed of by a common order.

Heard the counsels who appeared in these batch of anticipatory bail applications and Mr. Dayal learned APP for the State.

The petitioner of Cr. Misc. No. 413 of 2015 is the Branch Manager of the Co-Operative Bank whereas petitioner of Cr. Misc. no.11254 of 2015 and Cr. Misc. No.20026 of 2015 are Circle Officer and Halka Karmchari respectively of the concerned revenue circle. They all are said to have conspired with the office bearer(s) of the Primary Agriculture Cooperative Society (PACS) who are said to have misappropriated the funds which, according to the government scheme, was to flow to the farmers. In substance, the allegation is that the Chairman and other functionaries of the PACS instead of purchasing the paddy or the food grains from the farmers purchased from a middle man and difference of actual price and the support price was misappropriated. The allegation is that a sum of Rs. Two Crores and odd was misappropriated by the accused persons in

connivance with each other.

It has been submitted on behalf of the petitioners that from the report preceding lodging of the case a doubt has been created on the petitioners in facilitating the main accused(s) of this case. The allegation is that the Branch Manager allowed withdrawal of account payee amount on the identification of the Chairman of the PACS. The allegation against the Circle Officer and the Halka Karmchari, is that they did not verify the revenue records and some of the rent receipts issued by them was/were incorrect. The area was also incorrectly incorporated in order to facilitate the commission of the crime by showing the purchase of food grains from those farmers. In fact those farmers did not supply the food grains to the PACS and receive the support price thereof.

Learned counsel for the petitioners, on instruction, have stated that the main accused persons of this case have already been refused bail. Suspicion has, however, been raised against them in the FIR of having facilitated in the commission of the crime which is yet to be verified from the revenue records as well as the records of the Bank. Petitioner of Cr. Misc. No. 413 of 2015 has already superannuated from service and entire communication referred to in the FIR were made after his

superannuation. Learned counsels have taken a stand that although the allegation is of misappropriation of an amount of Rs. 2 Crores and odd but if the difference of the actual prevailing price of the food grains and the support price which the government fixed is taken into consideration the amount allegedly misappropriated will be reduced to less than 16 Lacs. For securing the privilege of anticipatory bail, if directed by this Court, petitioners may deposit certain percentage thereof .

Mr. Dayal learned APP, on the other hand, submitted that it has come during the course of investigation that the offence was committed although by the functionaries of the PACS but the other accused persons helped them in commission of the crime and pocketing the difference of the price.

Considering the facts and circumstances of the case, as also the stand taken by which the petitioners I am inclined to privilege them with anticipatory bail on payment of certain amount.

Let the petitioners of these cases, named above, in the event of their arrest /surrender before the learned court below within a period of five weeks from today be released on bail on furnishing bail bond of Rs. 15,000/- (Fifteen 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. 189 of 2014 subject to the condition(s) as laid down under Section 438(2) of the Cr.P.C. with further following conditions:-

- (i) One of the bailors in each case shall be the own/close family member of the petitioners.
- (ii) As soon as the charges are framed the petitioners shall appear in person before the trial court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioners and secure their arrest in accordance with law.
- (iii) Along with the bail bonds the petitioner of Cr. Misc. no.413 of 2015 will furnish a demand draft/bank instrument in the sum of Rs. 2,00,000/- (Two lacs), petitioner of Cr. Misc. no. 11254 of 2015 shall also furnish a demand draft/ bank instrument in the sum of Rs. 2,00,000/- (Two Lacs), petitioner of Cr. Misc. no. 20026 of 2015 shall furnish a demand draft/bank instrument in the sum of Rs. 1,50,000/- (One

Lac Fifty Thousand) respectively favouring the informant of the case which the informant will be entitled to withdraw on furnishment of undertaking(s).

The amount so deposited shall be without prejudice to the right and defence of the petitioners at the trial and subject to the result of the case.

(Kishore Kumar Mandal, J)

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