

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22070 of 2015

Arising Out of PS.Case No. -293 Year- 2014 Thana -ISLAMPUR District- NALANDA
(BIHARSHARIFF)

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Harinandan Rajak, son of Sri Rajak, resident of Village- Danapur, P.S-
Islampur, District- Nalanda

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr. R.P.S.Singh(APP)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-07-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is in custody in a case registered under
Sections 406 and 420 of the Indian Penal Code.

The prosecution case, in brief, is that the informant is
the Branch Manager of Nalanda Central Co-operative Bank
Ltd., Islampur Branch and the petitioner is one of the members
of the executive committee of PACS of Chandhari Panchayat,
which was granted cash credit facility of Rs.15,00,000/- by the
Nalanda Central Co-operative Bank Ltd., Islampur Branch as
per the order of the Government for purchase of paddy. As per
the arrangement, the paddy was supposed to be purchased by
the PACS from the villagers of its area on the support price



fixed by the Government and the payment for the same was to be made by issuing cheque for its price against the cash credit account with the Bank. This purchased paddy was to be supplied to the State Food Corporation which, in turn, would deposit the price of this paddy by cheque in the cash credit account of the PACS with the informant Bank. But the PACS of Chandhari Panchayat made fake purchase of the paddy and issued cheques against them and thereby committed defalcation of Rs.13,92,829.20. The informant also issued notice to the office-bearers of the said PACS but none of them, including the petitioner, responded to it.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 19.12.2014 and the charge sheet has already been submitted in the present case. It is further submitted that the petitioner has been made accused in the present case due to mistake of fact. It is further submitted that the petitioner is ready to deposit an amount of Rs.35,000/- in the court below, which shall be subject to final disposal of the case.

On behalf of the State, it has been submitted that there is specific allegation of misappropriation against the petitioner.

Considering the aforesaid facts and circumstances, it is directed that the petitioner shall deposit an amount of Rs.35,000/- (Thirty five thousand) in the court below, which shall be subject to final disposal of the case, thereafter only, he shall be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction learned Judicial Magistrate, 1st Class, Hilsa, District-Nalanda, in connection with Islampur P.S. Case No.293 of 2014 (G.R. No.2103/14).

(Sudhir Singh, J)

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