

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9210 of 2016

Arising Out of PS.Case No. -514 Year- 2015 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

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Gorakh Prasad, Son of Gaurishankar Raut, Resident of Village – Amolwa,
P.S. – Gaunaha, District – West Champaran, Ex-Chairman, Majhairia
PACS, Amolwa, P.S. – Gaunaha, District – West Champaran.

.... Petitioner

Versus

1. The State of Bihar
2. Sri Nitesh Kumar, The Branch Manager, The National Central Co-
operative Bank, Narkatiaganj, West Champaran.

.... Opposite Parties

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Appearance :

For the Petitioner	: Mr. Umesh Chandra Verma, Advocate.
For the Opposite Parties	: Ms. Indu Bala Pandey(App)
For the Bank	: Mr. P.K. Verma, Sr. Advocate.
	Mr. S.K. Sharma, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 11-08-2016 Heard both sides.

The petitioner apprehends his arrest in Shikarpur P.S. Case
No. 514 of 2015 registered for the offences punishable under Sections
409 and 420 of the Indian Penal Code.

The Branch Manager of the National Central Co-operative
Bank Limited, Bettiah alleged that in the financial year 2012-13
different Chairman of PACS took money, cash credit loan from the
bank to purchase paddy from farmers and to deposit the same in the
godown of the SFC. The petitioner took Rs. 6,68,418/- to purchase
paddy, but did not deposit the same in the SFC godown and, thereby he
misappropriated the entire amount.

Shri U.C. Verma, learned counsel for the petitioner submits

that the petitioner is ready to return the entire amount within three months and the petitioner has already deposited Rs. 1,28,000/- before lodging of the FIR.

Learned counsel appearing on behalf of the bank did not raise any objection, if the money will be returned within three months.

Considering the facts aforesaid and the fact that the petitioner is ready to return the entire amount Rs. 6,68,418/- within three months in three equal installments, the petitioner above named, in the event of his 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, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, West Champaran at Bettiah in Shikarpur P.S. Case No. 514 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

As claimed that the petitioner had deposited Rs. 1,28,000/- before institution of the FIR, if it is found correct the same amount shall be deducted from the total amount and if the petitioner fails to deposit the entire amount within three months, the court below shall cancel the bail bonds of the petitioner immediately after three months.

(Prabhat Kumar Jha, J.)

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