

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4132 of 2012

Ram Lakhan Mahto, S/O Late Anup Lal Mahto, resident Of Village-Rebara, P.S.- Khanpur, District- Samastipur.

.... Petitioner.

Versus

- 1. The State of Bihar.
- 2. The District Co-operative Officer, Samastipur.
- 3. The Chairman, Rewara PACS, Block-Khanpur, District-Samastipur.
- 4. The Manager, Rewara PACS, Block-Khanpur, District-Samastipur.

.... Opposite Parties.

with

Criminal Miscellaneous No.41203 of 2011

Surya Deo Prasad, S/O Late Rameshwar Mahto, resident of Village-Chakoti, P.S.- Khanpur, District- Samastipur.

.... Petitioner.

Versus

- 1. The State of Bihar.
- 2. The District Co-operative Officer, Samastipur.
- 3. The Chairman, Kanu Bishanpur PACS, Block-Khanpur, District-Samastipur.
- 4. The Manager, Kanu Bishanpur PACS, Block-Khanpur, District-Samastipur

.... Opposite Parties.

Appearance :

(In Cr.Misc. No.4132 of 2012)

For the Petitioner : Mr. Anirudh Kumar Sinha, Advocate.
For the O.P. No. 3 : M/S. Ashok Kumar Mishra and Rishit Deo Kumar Singh, Advocates.
For the State : Mr. Narsing Tanti (App)

(In Cr.Misc. No.41203 of 2011)

For the Petitioner : Mr. Anirudh Kumar Sinha, Advocate.
For the O.P. No. 3 : M/S. Ashok Kumar Mishra and Rishit Deo Kumar Singh, Advocates.
For the State : Mr. Narsingh Tanti(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

8 12-04-2016 Heard learned counsels for the petitioners, opposite party no. 3 and learned counsel for the State.

The present modification applications have been filed



seeking modification in the order dated 26.08.2011 passed in Cr. Misc. No. 28645 of 2011 with Cr. Misc. No. 28704 of 2011. The petitioners were granted anticipatory bail by the said order with condition that “if the petitioners hand over the books of account etc., to the Incoming Chairmen and take receipt from the District Co-operative Officer, within a period of three months from the date of receipt of this order, the Court below on filing of the said receipt at the date of surrender will release the above named petitioners on anticipatory bail.....”

By the order dated 04.07.2012, passed in Cr. Misc. No. 4132 of 2012 it was observed as follows:-

“Under these circumstances, both the petitioners should file written petition addressed to the present PACS Manager who will take over charge from Chandrasekhar Sahani and Ranjeet Kumar in presence of the District Co-operative Officer on 23rd July, 2012.

Thereafter, vide order dated 01.08.2012 passed in Cr. Misc. No. 4132 of 2012, the Court directed to add the Chairman and the Manager of the Rewara PACS as opposite parties to this application and the notices were issued.

Learned counsel, in both cases, for the opposite party

no. 3 i.e., Incoming Chairman of the PACS, is present.

It has been submitted on behalf of the petitioners that in spite of the repeated efforts in respect to handing over the papers to the opposite party no. 3 in both cases, in light of directions made by this Court, the Chairman opposite party no. 3 in both cases is not accepting the papers.

Considering the aforesaid facts and circumstances, the petitioners above named are directed to hand over the papers in light of order dated 26.08.2011 passed in Cr. Misc. No. 28645 of 2011 with Cr. Misc. No. 28704 of 2011 to the District Co-operative Officer, Samastipur, within a period of two weeks from the date of receipt/production of copy of this order. Thereafter, the District Co-operative Officer, Samastipur, will issue a certificate in respect of receiving of the documents from the petitioners. The said receipt thereafter will be produced by the petitioners in the court below.

On production of the said certificate, the provisional bail granted to the above named petitioners vide order dated 26.08.2011 passed in Cr. Misc. No. 28645 of 2011 with Cr. Misc. No. 28704 of 2011 in connection with Khanpur P.S. Case No. 01 of 2011 pending in the court of learned C.J.M., Samastipur, will be confirmed by the court below.

The order dated 26.08.2011 passed in Cr. Misc. No. 28645 of 2011 and Cr. Misc. No. 28704 of 2011 is modified to the extent as indicated above.

Accordingly, both modification applications i.e., Cr. Misc. Nos. 4132 of 2012 and 41203 of 2011 are hereby disposed of.

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(Sudhir Singh, J)