

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15401 of 2016

Arising Out of PS.Case No. -258 Year- 2015 Thana -JOKIHAT District- ARRARIA

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1. Sri Mir Wasiquer Rahman @ Mir Wasique Rahman son of Mir Matiur Rahman Resident of Village-Kamat (Taran), P.S. Jokihat, Distt.- Araria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Branch Manager, the Central Co-operative Bank Ltd. Jokihat, Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mira Kumari

For the Opposite Party/s : Mr. B.Ram(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 20-05-2016 Heard learned counsel for the petitioner and learned A.P.P. representing the State.

The petitioner seeks bail in connection with Jokihat P.S. Case No. 258 of 2015 registered for the offences punishable under Sections 406, 409, 420/34 of the Indian Penal Code.

Allegedly, the petitioner being ex-chairman of Taran PACS defalcated the amount of Rs. 11, 82, 839/- in collusion and conspiracy with other co-accused as in spite of withdrawing the amount, the paddy/wheat was not purchased.

Submission is of false implication and that as a matter of fact 1680 quintals of paddy was purchased in the year



2012-13 from the local farmers and 1040.15 quintals paddy was given to Ashok Rice Mill, Golchha Rice Mill and Ma Ambey Rice Mill on different dates and thereafter they did not lift remaining 639.85 quintals paddy which was damaged due to passage of time, as the paddy was lying in the open space, earlier a notice dated 25.10.2012 was sent to the petitioner for recovery of Rs. 5, 41, 849/- by the informant, thereafter the Chairman of PACS Wasiquir Rahman deposited the said dues but again Certificate Case No. 17/2013-14 was initiated and again Surcharge Case No. 21/2015 was initiated resulting the petitioner is being harassed in several proceedings. The petitioner was ex-chairman and he has no concern, now without any fault the petitioner is in custody since 24.01.2016, similarly situated co-accused has been granted anticipatory bail vide Cr. Misc. No. 7990 of 2016 and as such the petitioner also deserves sympathetic consideration.

Learned A.P.P. submits that co-accused has been granted anticipatory bail with a condition to deposit twenty percent of the defalcated amount with the Central Co-operative Bank Limited, Jokihat, Araria.

In the facts and circumstances stated above, considering that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as

such, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Araria, in connection with Jokihat P.S. Case No.258 of 2015, subject to conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

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