

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17830 of 2016

Arising Out of PS.Case No. -36 Year- 2016 Thana -BARUN District- AURANGABAD

1. Mukesh Kumar Singh, son of Nagendra Singh
2. Nagendra Singh, son of Late Nageshwar Singh
Both Residence of Village- Tengra Pritampur, P.S.- Barun, District-
Aurangabad

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Sanjay Kumar, Advocate
Mr. Rajeshwar Singh, Advocate
For the Informant : Mr. S.D. Sanjay, Sr. Advocate
Mrs. Priya Gupta, Advocate
For the State : Mr. Sharda Kumari (APP)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

8 02-09-2016 Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the State as well as learned counsel
appearing on behalf of the informant.

The petitioners are apprehending their arrest in
connection with Barun P.S. Case No. 36 of 2016 registered for the
offences punishable under Sections 406, 420, 120B, 506 and 504
of the Indian Penal Code.

Learned counsel for the petitioners submits that there
was no entrustment of the alleged quantity of paddy to the
petitioners as has been alleged. On the contrary, such a wild
allegation has been made at the behest of the middle man who had

obtained paddy from small farmers and now only to divert his own litigation, the present prosecution has been generated. Learned counsel for the petitioners further submits that whatever paddy he had taken, he has deposited the money of the same and transferred it to the account through RTGS which is evident from Annexure-4. So far as the allegation of having taken paddy to the tune of about Rs.53,87,850/- is concerned, the petitioners are not at all responsible.

Case diary was called for, which has since been received.

Learned counsel for the petitioners submits that the police machinery has been intimidating his staff into giving statements contrary to his interest for which he has already raised protest. However, on query, he is unable to place before this Court any such substantial protest with the high ups in the police administration.

Counsel appearing on behalf of the State after reference to certain paragraphs in the case diary using the supervision notes stated that in fact, the petitioners have taken paddy from small farmers through the intermediary, the present informant, and they have suffered heavily resulting in the present prosecution. The Superintendent of Police, Aurangabad, has

personally supervised the case and found it to be true against these petitioners.

Learned counsel appearing for the informant has also filed a counter affidavit in which he has recorded such entrustment and which clearly shows that the amount of paddy alleged to have been taken by the petitioners and the mill was in fact, weighed at the weighbridge and received by the employees of the petitioners. As such, the petitioners have defalcated huge amount of paddy and are now threatening and intimidating the small farmers and not making payment to them. Consequently the present prosecution.

After having heard learned counsel for the petitioners and learned counsel appearing on behalf of the State as well as learned counsel for the informant, I find that *prima facie* there is sufficient material against the petitioners and, therefore, in view of such facts and circumstances, and also because the petitioners are having criminal antecedent, I am not inclined to grant anticipatory bail to the petitioners. It is accordingly rejected.

(Anjana Mishra, J.)

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