

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.47851 of 2014**

Arising Out of PS.Case No. -62 Year- 2014 Thana -PIRO District- BHOJPUR

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Om Prakash @ Chhotu Yadav, Son of Late Baliraj Singh,  
resident of village- Chaturbhuji Baraon, P.S.- Piro, District-  
Bhojpur.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ravindra Kumar, Adv.

For the Opposite Party/s : Mr. Raj Ballabh Singh (APP)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI  
SHARAN SINGH**

ORAL ORDER

6 12-07-2016

The certified copy of the First Information  
Report of Piro P.S. Case No.62 of 2014 has been filed on  
behalf of the petitioner in course of the day. Let it be  
kept on the record.

Heard learned counsel for the petitioner and  
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,  
arises out of Piro P.S. Case No.62 of 2014, disclosing  
offences under Sections 406 and 420/34 of the Indian  
Penal Code.



The petitioner, at the relevant point of time, was Chairman of PACS. The gist of allegation is that through him, the farmers of Baraon Panchayat had supplied paddy to Hanuman Jee Rice Mill, Hasan Bazar. The petitioner is said to have taken money against the supply so made by the informant and other villagers, but did not pay the said amount to them. It is, accordingly, alleged that he misappropriated huge amount.

Learned counsel for the petitioner has submitted that the present First Information Report has been lodged out of the vengeance and prior to lodging of the First Information Report, the petitioner had filed a complaint case in which the informant is an accused. He has also submitted that no paddy was supplied by the informant and other farmers, as alleged in the First Information Report, through the petitioner as Chairman of the said PACS. It has further been contended that the petitioner has been maliciously implicated in this case in order to restrain his chance to contest and win the Panchayat election.

However, on perusal of the case diary, it appears that there are materials to show that the farmers had, in fact, supplied paddy to the said rice mill.

Considering the facts and circumstances of the

case, I am not inclined to grant the petitioner the privilege of anticipatory bail.

This application is, accordingly, rejected.

The petitioner, abovenamed, is directed to surrender before the court below within a period of four weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered by the learned court below on its own merit without being prejudiced by rejection of present application for grant anticipatory bail.

**(Chakradhari Sharan Singh, J.)**

Praveen-II/-

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