

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48256 of 2015

Arising Out of PS.Case No. -141 Year- 2015 Thana -BANKA District- BANKA

Kundan Kumar Mandal, Son of Puran Manjhi, resident of village - Auria,
P.S. - Barahat District - Banka Ex Manager of Prathmik Krishi Sakh Society
Ltd. Auria PACS.

.... Petitioner

Versus

- 1. The State of Bihar.
- 2. The Bhagalpur Central Co-operative Bank Ltd., Bhagalpur

.... Opposite Parties

with

Criminal Miscellaneous No.43316 of 2015

Arising Out of PS.Case No. -141 Year- 2015 Thana -BANKA District- BANKA

Puran Manjhi, Son of Anandi Manjhi resident of village- Auria, P.S-
Barahat District- Banka Ex chairman of Prathmik Krishi Sakh Society Ltd.
Auria PACS

.... Petitioner

Versus

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

.... Opposite Parties

Appearance :

(In Cr.Misc. No.48256 of 2015)

- For the Petitioner : Ms. Sushmita Mishra, Advocate
- For the State : Mr. Chandra Bhushan Pd.(App)
- For the Bank : Mr. Rakesh Kumar Jha, Advocate

(In Cr.Misc. No.43316 of 2015)

- For the Petitioner : Mr. Sushmita Mishra, Advocate
- For the State : Mr. P.N.Pandit (App)
- For the Bank : Mr. Rakesh Kumar Jha, Advocate

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

Petitioners apprehends their arrest in a case filed under Sections 406, 409 and 420/34 of the Indian Penal Code.

Kundan Kumar Mandal, petitioner of Criminal Miscellaneous No.48256 of 2015 is the Manager of Auria PACS whereas Puran Manjhi, petitioner of Criminal Miscellaneous No.43315 of 2015 is the Chairman of the PACS.

Allegation against the petitioners is that they have obtained about rupees twenty one lacs for the purpose of purchasing paddy and supplying either paddy or milled rice to the BSFC but that was not done and paddy was sold in open market and, as such, they earned profit, however, they did not pay back the loan obtained in the form of cash credit.

Learned counsel for the petitioners submits that it is not the fact that entire paddy was not supplied to the BSFC rather paddy amounting to more than rupees ten lacs were supplied to the BSFC and in support thereof a purchase-cum-payment voucher receipt has been appended. And as such, it is contended that only Rs.13,01,800/- now appears to be outstanding.

Learned counsel appearing for the petitioner of Criminal Miscellaneous No.43315 of 2015 Puran Manjhi undertakes to deposit 20% of such amount in the account of Bhagalpur Central Co-operative Bank, Barahat Branch, District,

Banka.

Having regards to the facts and circumstances of the case, in the event of arrest/surrender within a period of six weeks from today in Barahat P.S. Case No.141/15, the above named petitioners, Kundan Kumar Mandal and Puran Manjhi shall be released on bail on furnishing bail bond of Rs.10,000(Ten Thousand Rupees) each with two sureties of the like amount each to the satisfaction of C.J.M., Banka subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure with a further condition that at the time of furnishing bail bond, the petitioner, Puran Manjhi, would produce the receipt showing payment of Rs.2,00,000/- in the concerned Branch of the Bank as stated above. Balance amount of Rs.60,000/- is also required to be deposited by the Puran Manjhi in the account of the Bank and receipt should be submitted before the court below within three months.

It is made clear that if the aforesaid amount is not paid then the court below would proceed to cancel their bail bonds.

Sanjay-II/-

(Dr. Ravi Ranjan, J)

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