

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55889 of 2015

Arising Out of PS.Case No. -106 Year- 2015 Thana -CHAPRA TOWN District- SARAN

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1. Mahendra Rai S/o Late Deochandra Rai, resident of village- Chitarchak, P.S.- Sonapur, District- Saran.
 2. Rabindra Rai S/o Late Deochandra Rai, resident of village- Chitarchak, P.S.- Sonapur, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Branch Manager, Bihar State Co-operative Bank, Chapra.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. R. S. Pradhan, Sr. Advocate
Mr. Amrendra Narayan Rai
For the Opposite Party/s : Mr. Uma Nath Mishra (App)

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

3 21-01-2016 Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in a case under sections 409, 420 of the IPC.

Petitioner No.1 is Chairman of the PACS whereas petitioner No.2 is his brother. The allegation is that against 1108 quintals of paddy purchased from farmers under scheme of paddy procurement, only 608 quintals was deposited in the State Food Corporation.

Learned counsel appearing for the petitioners submits that on account of paucity of space in the SFC, the remaining 500 quintal of paddy could not be deposited and, as such, the PACS

after selling the paddy, deposited Rs. 2, 45,000/- in the Bihar State Co-operative Bank. Before selling the paddy, written applications were filed before SFC, Saran as well as District Cooperative Officer, Saran. Learned counsel assures on behalf the petitioners that any amount found still due, after proper accounting, would be deposited by the petitioners. He submits that in similar circumstances the Chairman of the PACS have been granted bail. One such order is annexed as Annexure-5.

Having regard to the facts and circumstances of the case, let the petitioners, as named above, in the event of arrest/surrender be released on bail on furnishing bail bond of Rs. 5,000/- (five thousand) with two sureties of the lime amount each to the satisfaction of Chief Judicial Magistrate, Saran at Chapra in connection with Chapra Town P.S. case No. 106 of 2015, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

It is expected that the Co-operative Bank shall complete the accounting within six weeks from the date of receipt of this order.

(Samarendra Pratap Singh, J)

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