

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8814 of 2016

Arising Out of PS.Case No. -534 Year- 2015 Thana -MAJHAULIA District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Bhulai Mahto, son of Sri Ramdayal Mahto, resident of Village- Berwa, Police Station- Majhaulia, District- West Champaran.
 2. Shashi Kant Tiwari, son of Late Shardanand Tiwari, resident of Village- Harpur, Police Station- Majhaulia, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Branch Manager, the National Central Co-Operative Bank Ltd.
3. The District Manager, State Food Corporation, SFC Purchase Centre Majhaulia West Champaran.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shiv Kumar Dwivedy, Advocate
For the Informant : Mr. P.K. Verma, Sr. Advocate
Dr. Anand Kumar, Advocate
Mr. Suman Kumar Jha, Advocate.

For the Opposite Party/s : Mr. A.Haque Sahara (App)

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

5 11-08-2016 Heard the parties.

This application, for grant of anticipatory bail, arises out of Majhaulia P.S Case No. 534 of 2015, disclosing offences under Sections 406,409 and 420 of the Indian Penal Code.

The petitioner no. 1 was the Chairman of Harpur Garwha PACS in the District of West Champaran. Petitioner no. 2 was the Manager of the said PACS . Facility of cash credit was granted to said PACS by the National, Central Co-operative Bank Majhaulia.

Availing the said facility they are said to have withdrawn a sum of Rs. 6 lacs, for the purpose of purchase of paddy from the farmers but they did not purchase of paddy.

Learned counsel appearing on behalf of the petitioners while denying the allegations as contained in the first information report has submitted that in fact the paddy was purchased from the farmers but because of lack of storage facility, the said paddy was not taken by (the State Food Corporation) SFC. He has further submitted that without any prejudice to their rights and contentions, petitioners are ready to deposit the said amount with the Bank in three monthly equal installments, beginning from 1st of September 2016.

In view of the submission, as above, this application is allowed. Let the petitioners, above named, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Judicial Magistrate, Bettiah, West Champaran in connection with Majhauria P.S. Case No. 534 of 2015 subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners, above

named, shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bails bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Prakash/-

U		T	
---	--	---	--