

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24280 of 2016

Arising Out of PS.Case No. -177 Year- 2015 Thana -AMARPUR District- BANKA

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Navnit Sharma, son of Late Shyam Sundar Sharma, resident of Village and
Post Office-Logain, Police Station-Amarpur, District-Banka.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh

For the Opposite Party/s : Mr. Pradip Narayan Kr.(APP)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 04-08-2016 Heard both sides.

The petitioner apprehends his arrest in Amarpur P.S.Case
No. 177 of 2015 registered under Sections 467, 468, 420 and
471/34 of the Indian Penal Code.

The Branch Manager of Bhagalpur Central Co-operative
Bank Limited, Amarpur Branch, alleged that the petitioner being
the Chairman of Laxmipur PACS received Rs.18,40,000/- in the
year 2012-13 along with Rubesh Kumar, Prabhandak of the PACS
for purchase of paddy from the farmers but the petitioner did not
supply the paddy to the tune of Rs.5,54,154/-. It is alleged that the
petitioner and Rubesh Kumar misappropriated the money.

Learned counsel for the petitioner submits that the
petitioner filed a petition before the Collector on 18.4.2013 that

Sanjay Sharma and Sadashiv Sharma received 139 quintals of paddy on 12.4.2013 but did not give any receipt but the Collector did not any action against them. It is submitted that the petitioner did not defalcate any amount rather the petitioner was cheated by Sanjay and Sadashiv.

Learned Additional P.P. submits that co-accused has surrendered and was granted regular bail by this High Court.

It appears that the case of the petitioner stands on the similar footing as that of the co-accused.

Considering the fact that the petitioner is alleged to have defalcated Rs.5,83,732/-, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, prayer for anticipatory bail of the petitioner is rejected.

If the petitioner surrenders in the court below, learned court below shall consider the prayer for regular bail of the petitioner taking into consideration the fact that co-accused has already been granted bail.

(Prabhat Kumar Jha, J)

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