

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48635 of 2015

Arising Out of PS.Case No. -502 Year- 2015 Thana -BANKA District- BANKA

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1. Arun Prabhakar Son of late Dinesh Prabhakar Resident of Village-Pathrah P.s Barahat District Banka.
 2. Guddu Yadav son of Rajendra yadav Resident of Village- Pathrah P.s Barahat District Banka.

.... Petitioner/s

Versus

1. The State of Bihar
 2. Smt. Asha Devi W/o Ram Sevak Yadav Resident of Village - Phatkorma , P.s Nawada Bazar, P.s Rajoun, District Banka. At present Branch Manager, The Bhagalpur central Co-Operative Bank Barahat Bhagalpur.
- Opposite Party/s
- =====

Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Advocate
Vijay Anand
For the Opposite Party/s : Mr. Md.Arif(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 21-01-2016 Heard learned Senior Counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners being the Manager of Pathara PACS and Executive Member of Pathara PACS apprehend their arrest in connection with a case registered for the offences punishable under Sections 406/420/409/34 of the Indian Penal Code.

Learned Senior counsel for the petitioners submits that the petitioners along with the Chairman had taken a loan from the Bhagalpur Central Co-operative Bank, Barahat for purchase of paddy from the PACS. The allegations against these petitioners are that though they were supposed to be paying back the amount along with the interest of 11% but they failed to do so. He submits

that the Chairman of the Pathara PACS, Banka has given an undertaking to the Bank itself that he himself would be liable to make re-payment of the amount taken as loan along with 11 % interest. Similarly, the said Gangadhar Kapri has also made a similar undertaking before this Court that he would deposit 20% of the alleged amount, out of which, he has already deposited rupees one lac and for the rest of amount, a prayer has been made for modification of the time fixed in the said order. He further submits that in the aforementioned case the undertaking having been taken by the Chairman so no liability can be attached to these two petitioners.

Considering the aforementioned facts and circumstances and the nature of allegations and also the fact that these petitioners have no criminal antecedent, let the petitioners abovenamed, in the event of their arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the each amount to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Banka (Barahat) P.S. Case No. 502/2015 subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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