

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.58123 of 2015

Arising Out of PS.Case No. -232 Year- 2015 Thana -BANMANKHI District- PURNIA

1. Gulab Chand Mandal S/o Sri Sahdeo Mandal,
2. Binod Kumar Bharti S/o Uprendra Prasad Yadav, Both - Resident of village and Post- Gangaili, P.S.- Banmankhi, Distt.- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Branch Manager, The Purnea District Central Co-operative Bank, Branch Banmankhi, Purnea.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mira Kumari
For the Opposite Party/s : Mr. Uma Nath Mishra (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 07-01-2016 Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the Opposite Party No. 2, Purnea District Central Co-operative Bank Ltd. Branch, Banmankhi, Purnea.

The petitioners apprehend their arrest in connection with Banmankhi P. S. Case No. 232 of 2015 registered for offences punishable under Sections 409 and 420 of the Indian Penal Code.

The prosecution case as per the written report given by one Bal Krishna Jha, Branch Manager of Central Co-operative Bank, Banmankhi Ltd., Purnea to the S.H.O., Banmankhi on 23.07.2015 is that the petitioners misappropriated the amount in



purchasing the paddy and wheat crops for the year 2011-2014 in the light of the Department letter No. 6002 dated 23.12.2013, letter No. 6200 dated 10.11.2014 of the Registrar, Co-operative Committee, Bihar, Patna, letter No. 558 dated 28.11.2014 of the Managing Director, Co-operative Bank, Ltd. Purnea and letter Nos. 460, 463 dated 16.8.2014 of Managing Director, Co-operative Bank, Purnea and the order of the Surcharge case.

It is alleged that within the jurisdiction of Purnea Central Co-operative Bank Branch, Banmankhi, Purnea for the year 2011-14, Chairman of PACS was advanced cash credit loan for procurement of paddy/wheat by the farmers as per value determined by the government and as per guidelines those grains was given to the Bihar State Food and Civil Supplies Corporation Ltd. Banmankhi, but the Chairman of Primary Agricultural Credit Co-operative Society Ltd. defalcated the amount by committing some irregularity in the said procurement by (1) Shri Gulab Chand Mandal , Ex-chairman, S/O Sahdeo Mandal , resident of village-Gangauli P.S., Banmankhi, District- Purnea petitioner No. 1. (2) Binod Kumar Bharti, S/O Shri Upendra Prasad Yadav, petitioner No. 2, and they have defalcated Rs. 8,39, 410/- by not giving the procured grain by the farmers to the B.S.F.C.

It has been submitted by the learned counsel for the

petitioners that against the dues of Rs. 8,39,410/- as claimed by the Bank, Opposite Party No.1, Ex-Chairman and the petitioner No. 2, Ex Manager of the PACS have already deposited Rs. 1,97,000/- in the PACS account of the Bank.

Learned counsel for the petitioners submit that sum of Rs. 3,03,000/- is only due to be paid by them and agree to pay 20% of the said amount of Rs. 3,03,000/- within a period of one month from today. In the event of deposit of 20 % of the said amount of Rs. 3,03,000/-, the Bank will give the statement of accounts to the petitioners and the petitioners will deposit such calculated amount after the matter is settled between the petitioners and the Bank Officials.

Learned counsel for the Opposite Party No. 2 has no objection to the said proposal.

Learned counsel for the petitioners also undertakes that in pursuance to the negotiation with the Bank Officials, they are ready to deposit the rest amount within a period of six months from the date of such negotiation.

Under such circumstances, on the undertaking of the learned counsel for the petitioners to deposit 20 % of Rs.3,03,000/- within a period of one month from today, let the petitioners, above named, in the event of their arrest or surrender

within a period of six weeks from today before the Court below be enlarged on bail on furnishing bail bonds of Rs, 10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of Shri Gautam Kumar Yadav, Judicial Magistrate, 1st class, Purnea in connection with Banmankhi P.S.Case No. 232 of 2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Nilu Agrawal, J)

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