

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44512 of 2016

Arising Out of PS.Case No. -126 Year- 2016 Thana -CHAUSA District- MADHEPURA

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1. Adya Kumar, Son of Ganesh Prasad Sharma, Resident of Village-Singhia Tola, P.O.- Abhiram Pur, P.S.- Chausa, District- Madhepura, at present PACS President Laualagan West PACS
 2. Chandra Shekhar Singh, Son of Late Kishun Singh Resident of Village-Singhia Tola, P.O.- Abhiram Pur, P.S.- Chausa, District- Madhepura, at present PACS President Laualagan West PACS

.... Petitioners

Versus

1. The State of Bihar.
2. Ashwini Kumar, Coperative Extension Officers, Alam Nagar, P.S.- Alam Nagar, Dist- Madhepura.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra
For the Opposite Party/s : Mr. Indra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 27-10-2016 Heard learned counsel for the petitioner, learned counsel appearing for BSFC and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Chausa P.S. Case no. 126 of 2016, registered under Sections 406, 409, 120(B)/34 of the Indian Penal Code.

The accusation is that both the petitioners having the Chairman and Manger of the Laualagan West PACS, purchased 2500.00 quintals of paddy while against the aforesaid purchased paddy 1468.06 quintal of rice was to be supplied to the BSFC, Madhepura, but only 877.12 quintal of rice was supplied and remaining 590.94 quintal of rice is yet to be supplied. As such, the petitioners have sold

the paddy worth of Rs. 833225.40 in the market.

Learned counsel for the petitioners submits that the allegation is of supply of 877.12 quintal of rice and remaining 590.94 quintal of rice worth of Rs. 833225.40 was not supplied by the petitioners. Further submission is that, in fact, the said paddy is still in the godown and petitioner is ready to deposit Rs. 833225.40 within four months.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on provisional bail for a period of 04 months, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of SDJM, Udakishanganj Madhepura, in connection with Chausa P.S. Case No. 126 of 2016 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned Court below on submission of receipt of Rs. 833225.40, deposited in the concerned department, within a period of four months.

(Rajendra Kumar Mishra, J.)

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