

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39056 of 2017

Arising Out of PS.Case No. -172 Year- 2017 Thana -PURNEA SADAR District- PURNIA

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Taufique Alam @ Tauhid Alam, son of Md. Daud Alam, resident of village-
Birpur Pokharia, P.S.-Sadar, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar &
2. The Purnea District Central Co-operation Bank Ltd. HO Court Compound, HO Branch, Gulabbbagh, District- Purnea, through its Branch Manager Nakul Pd. Yadav, Gulabbbagh.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bishwanath Prasad Singh, Advocate

For the Opposite Party/s : Smt. Suman Kumari Singh, APP

Mr. Rakesh Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5/ 01-11-2017

Heard learned counsel for the petitioner and learned

APP for the State as well as counsel for the Opposite Party No.2.

Petitioner apprehends his arrest in **Purnea Sadar**
P.S. Case No.172 of 2017 instituted for the offence under
Section(s) 406, 409, 420 Indian Penal Code.

Allegation against the petitioner is that he being
Samiti Manager of Birpur PACS along with co-accused, Md.
Daud Alam, Chairman, Birpur PACS, committed breach of trust,
forgery and misappropriated government money amounting to
Rs.3,03,403.69 during the financial year 2012-13. Accused
persons obtained Cash Credit loan from the Bank for purchasing
paddy and wheat for supplying wheat and paddy to BSFC



through Birpur PACS, but they did not supply paddy and wheat to the BSFC of the aforesaid amount.

Counsel for the petitioner has submitted that petitioner is ready to deposit 20% of the amount at the time of his surrender and will deposit remaining amount in five equal installments which would be subject to final decision of the case.

Counsel for the Bank has submitted that he has no objection if the petitioner agrees to deposit the amount in installments.

In such circumstances, this application is disposed off with direction to petitioner to surrender before the Court below i.e. **Chief Judicial Magistrate, Purnea**, within a period of six weeks from today in connection with **Purnea Sadar P.S. Case No.172 of 2017**, along with valid receipt showing payment of 20% of the dues amount to the Bank and in that event the Court below will release the petitioner on provisional bail to its own satisfaction in terms of provision of Section 438(2) Cr. P. C. with conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will



automatically cancel bail bond of the petitioner and (3) if petitioner tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

Thereafter, petitioner will make payment of remaining amount in five equal installments by 15th of every month and on payment of entire amount provisional bail of the petitioner will be confirmed.

It is made clear that in the event the petitioner does not surrender in the Court below along with receipt showing payment of 20% of the dues amount, as ordered above, or defaults in making payment of single installment, it will be open to the Court below to pass appropriate order in accordance with law including cancellation of provisional bail of the petitioner without taking into consideration the observations made above by this Court.

This application is, accordingly, disposed off.

(Sanjay Priya, J)

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