

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13324 of 2017

Arising Out of PS.Case No. -430 Year- 2016 Thana -AMARPUR District- BANKA

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Sachidanand Singh S/o-Late Bal Bhadra Narayan Singh, Resident of
Village-teliya Logain, P.S.-Fullidumar, District-Banka

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Smt. Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 18-04-2017 Heard both sides.

The petitioner apprehends his arrest in Amarpur (Fullidumar) P.S. Case No. 430 of 2016 registered for the offences under section 409 of the IPC.

The informant alleged against the petitioner for not handing over the charge of Chairman of the PACS concerned.

Learned counsel for the petitioner submits that the petitioner has already handed over the charge after the election was over. The District Cooperative Officer directed the informant to file case for not handing over the charge under Section 45 of the Cooperative Act. Section 45 of the Cooperative Act is bailable but instead of lodging the case under Section 45 of the Bihar Cooperative Act, the case is registered under Section 409 of the



IPC. No offence under Section 409 is made out as the petitioner has not misappropriated or defalcated any amount of the PACS.

Considering the facts aforesaid, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in Amarpur (Fullidumar) P.S. Case No. 430 of 2016, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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