

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48743 of 2016

Arising Out of PS.Case No. -103 Year- 2016 Thana -UDAKISHANGANJ District- MADHEPURA

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Ashok Kumar Das @ Ashok Das Son of Late Gyanchand Das resident of
Village- Laskari, P.S.- Uda Kishunganj, District- Madhepura.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner	: Mr. Ajay Kumar Thakur, Advocate. Mr. Ram Pravesh Nath Tiwari, Advocate.
For the Opposite Party	: Mr. Ram Priya Saran Singh, APP.
For the B.S.F.C.	: Mr. Shailendra Kumar Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 09-01-2017 Heard both sides.

The petitioner apprehends his arrest in Udakishunganj P.S.
Case No. 103 of 2016, registered for the offences punishable under
Sections 406, 409 and 34 of the Indian Penal Code.

The informant Co-operative Extension Officer,
Udakishunganj named the petitioner along with Shambhunath Thakur,
Chairman of PACS that he purchased 3989.23 quinals of paddy and he
had to deliver 2672.78 quintals of CMR to B.S.F.C. but the PACS
Chairman did not deposit 1447.78 quintals of paddy to the B.S.F.C. and
thereby he misappropriated and defalcated a sum of Rs. 30,46,840/-.

Shri Ajay Kumar Thakur, learned counsel for the petitioner
submits that the petitioner is Assistant Manager and the petitioner did
not purchase any paddy from any farmer nor gave money to the
farmers. The Chairman of the PACS had entered into an agreement



with the miller and Chairman of the PACS had to deliver CMR to B.S.F.C. after receiving money from the cooperative bank. No role was played by the petitioner. The petitioner simply put his signature on the agreement, arrived between the Chairman of the PACS and the miller, as a witness which would appear from Annexure-2 of the petition.

Mr. Shailendra Kumar Singh, learned counsel for the B.S.F.C. could not be able to show as to how the petitioner is responsible for misappropriation of the amount of CMR which the Chairman of the PACS had undertaken to deliver to B.S.F.C. after milling the same from the miller.

Considering the facts aforesaid, the petitioner above named, in the event of his arrest or surrender before the 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 Sub-Divisional Judicial Magistrate, Udakishunganj, Madhepura in Udakishunganj P.S. Case No. 103 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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