

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54022 of 2017

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

=====

Azizur Rahman @ Md. Azizur Rahman, son of Late Hafizur Rahman,
resident of Village- Harrahi, P.S.- Dagarua, District- Purnea.

.... Petitioner.

Versus

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

.... Opposite Parties.

=====

Appearance :

For the Petitioner : Mr.
For the State : Mr.
For the Opposite Party No.2 : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 14-11-2017 Heard the parties.

The petitioner apprehends his arrest in connection with Sadar P.S. Case No.172 of 2017 registered under Sections 406, 409 and 420 of the Indian Penal Code.

The accusation is that the petitioner being the Chairman of the PACS, Ichalo, Purnea, took the loan of Rs.3,66,275.89/- from the Purnea District Central Cooperative Bank Limited, Gulabbagh Branch, Purnea, for purchasing the paddy from the farmers and supplying the rice after husking of the paddy to the B.S.F.C. but the petitioner misappropriated the said amount.

Learned counsel for the petitioner submits that the paddy



was purchased by the petitioner after taking the loan from the Purnea District Central Cooperative Bank Limited, Gulabbagh Branch, Purnea, from the farmers to supply the rice after husking of the same to the B.S.F.C. and information was also given to the Collector, Purnea, but the paddy was damaged and the damaged paddy was sold by the petitioner on Rs.70,000/-, which was deposited by the petitioner in the concerned Bank. Moreover, the petitioner is ready to pay Rs.3,66,275.89/-, which is said to be defalcated by the petitioner, within four months, out of which the petitioner will deposit Rs.1,00,000/- in the concerned Bank at the time of surrender before the trial court for pre-arrest bail.

Learned counsel for the opposite party no.2/the Purnea District Central Cooperative Bank Limited, Purnea, has no objection in allowing the prayer of the petitioner for pre-arrest bail if the petitioner is ready to deposit the defalcated amount in installments within four months.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on provisional bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Purnea, in connection



with Sadar P.S. Case No.172 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C., on depositing Rs.1,00,000/- in the concerned Bank. It is made clear that if the petitioner deposits the rest amount within four months in the concerned Bank and show the receipt in respect thereof in the trial court, the pre-arrest bail of the petitioner shall be confirmed by the trial court itself and if he fails to do so, the bail bond of the petitioner shall be cancelled by the trial court itself.

This application is, accordingly, disposed of.

(Rajendra Kumar Mishra, J)

P.S./-

U		T	
---	--	---	--

