

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51243 of 2016

Arising Out of PS.Case No. -418 Year- 2016 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Vijay Kumar Chaudhary, S/o Late Hajari Prasad, President of Semra PACS, Resident of Village-Semra Hat, P.S. Turakauliya, District-East Champaran.
 2. Jai Prakash Narain, S/o Late Bijlee Prasad, President of Siswa West PACS, R/o Village- Amwa, P.S. Banjariya, District-East Champaran.
 3. Harishankar Prasad, S/o Rambriksh Prasad, President of Chailaha PACS Resident of Village-Chailaha, P.S. Banjariya, District-East Champaran.
 4. Rajiv Kumar Yadav, S/o Ramekbal Yadav, President of Chithna, PACS Resident of Village-Chithna, P.S. Banjariya, District-East Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Rakesh Kumar No.1, Advocate.
For the Opposite Party : Mr. Yogendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 10-01-2017 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in connection with Turkauliya (Banjariya) P.S. Case No. 418 of 2016, arising out of G.R. No. 4562/2016, for the offences instituted under Sections 420 and 409/34 of the IPC.

The prosecution story, in brief, is that the informant, namely, Kishore Kumar Singh, Co-operative Extension Officer, Banjaria, sent a written report to the S.H.O. Banjaria, Turkaulia



P.S. stating therein that the office of the Registrar, Co-operative Society, Bihar, Patna, vide Letter No. 7002 dated 17.08.2016 and Letter No. 1381 dated 23.08.2016 of the District Co-operative Officer, Motihari, have directed to lodge FIR against the petitioners. It has been alleged that under Banjaria Block, President Semra PACS, Chaillaha PACS, Siswa West PACS and Chitaha PACS have prepared forged land possession certificate (L.P.C.) and forged rent receipts and on which basis they purchased paddy in the year 2011, 2012, 2013 and 2014 and they have grabbed government money.

It has been submitted on behalf of the petitioners that the petitioners have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioners are the Presidents of respective PACS of different Panchayats of Banjariya Block. The allegation is in respect to misappropriation of public money while procuring the paddy. The allegation is denied by the petitioners. It is further submitted that the petitioners are ready to deposit an amount of Rs. 2,50,000/- jointly in the court below which shall be subject to final disposal of the case.

On behalf of the State, it has been submitted that the petitioners are named in the F.I.R.



Considering the aforesaid facts and circumstances, it is directed that the petitioners shall deposit an amount of Rs. 2,50,000/- in the court below which shall be subject to final disposal of the case and on doing so, let the petitioners above named, be released on bail in the event of their arrest or surrender before the learned court below within a period of six weeks from today in connection with Turkauliya (Banjariya) P.S. Case No. 418 of 2016, arising out of G.R. No. 4562 of 2016 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Motihari, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)