

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21626 of 2017

Arising Out of PS.Case No. -60 Year- 2016 Thana -FALKAHA District- KATIHAR

- =====
1. Jai Prakash Rajak, Son of Late Jageshwar Rajak
 2. Rajesh Kumar Rajak, Son of Jai Prakash Rajak Both Resident of Mohalla- Chandan Nagar, P.S. Sadar, District Purnea.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Praveen Kumar Agrawal, Advocate

For the informant : Mr. Amit Narayan, Advocate

Mr. Rajiv Kumar, Advocate

For the Opposite Party : Mr. Md. Ashlam Ansari (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 05-07-2017 Heard learned counsel for the petitioners, learned counsel for the informant and learned counsel for the State.

The petitioners apprehend their arrest in connection with Falka P.S. Case No. 60 of 2016, registered for the offences punishable under Sections 406, 409, 420/34 and 120(B) of the Indian Penal Code.

Allegedly, the petitioners took delivery of paddy from the informant and made criminal misappropriation thereof causing loss of Rs. 70,00,000/- and as the petitioners being the miller did not supply the rice, resulting, the department filed case against the informant and informant had to pay Rs. 5,00,000/- to the department under false promise.

Submission is of false implication and that there is no agreement between the petitioners and any one, no paddy was ever



supplied to the rice-mill of the petitioner and after lodging of departmental case the complainant filed the complaint case which has been registered as F.I.R. During investigation, nothing has come against the petitioners that petitioners received the paddy and there is no receipt regarding receiving of paddy and, as such, the petitioners deserve sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of pre-arrest bail by submitting that there is delivery challan regarding delivery to the paddy to the mill of the petitioners, truck driver has given receipt and, as such, the petitioners do not deserve bail.

In the facts and circumstances as stated above, considering that allegedly 4111.65 quintals of paddy has been transported by the petitioners under Challan No. 986218 to 986235, total 18 in numbers, but no rice was supplied and, as such, I am not inclined to grant privilege of pre-arrest bail to them and accordingly their such prayer stands rejected in connection with Falka P.S. Case No. 60 of 2016, pending in the Court of learned Chief Judicial Magistrate, Katihar.

(Jitendra Mohan Sharma, J.)

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