

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16784 of 2018

Arising Out of PS.Case No. -226 Year- 2016 Thana -BARGANIA District- SITAMARHI

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1. Puran Prasad Sahi Son of late Jagan Prasad (The then Chairman of Jamua PACS Bairania), Resident of Village- Jamua, P.S. Bairania, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, Bihar State Food and Civil Supply Corporation, Sitamarhi.
3. The Branch Manager, Central Cooperative Bank, Branch Bairania, District- Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate
Mr. Birendra Kumar, Advocate
For the Opposite Party/s : Mr. Chandrasen Prasad Singh, APP
For the BSFC : Mrs. Namrata Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 28-03-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the offences punishable under Sections 406/409/420 of the Indian Penal Code.

The Central Cooperative Bank, Bairania Branch, Sitamarhi, is informant of this case. Allegation is that the petitioner, who was Chairman of the Bairania PACS, withdrew rupees thirty two lacs eighty-four thousand and odd on the Cash Credit facility of the PACS for purchase of paddy and supply of rice to the Bihar State Food Corporation. The FIR was lodged on 28.10.2016. The Bihar State Food Corporation, Sitamarhi, wrote letter dated 16.12.2017 to the Managing Director, Finance, vide



page-33, stating therein that the PACS of the petitioner had deposited the rice and no payment has been made to the petitioner in respect of the last lot referred in the letter.

According to learned counsel, in fact, the matter is of disputed accounting.

The Bihar State Food Corporation has filed separate counter affidavit. However, has not controverted the aforesaid letter. Therefore, apparently no case of defalcation is made out for the purpose of consideration of this application for bail.

Considering the aforesaid fact, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Bairgania P.S. Case No.226 of 2016, with condition that the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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