

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11004 of 2018

Arising Out of PS. Case No.-39 Year-2015 Thana- ANGADH District- Purnia

=====

Md. Tahmid Alam, son of Late Abdul Saqoor, Resident of Village- Tetaliya,
P.S.- Angadh, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Surendra Prasad, son of Late Prithvichand Gupta, Resident of Ashram Road,
Subhash Nagar, P.S.- Khazanchi Hat, District Purnia at Present In-charge cum
Block Cooperative Officer, Amour Branch.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vijay Anand
For the Opposite Party/s : Mr. Dinesh Singh

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 30-03-2018 Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Angadh P.S. Case No.
39 of 2015, instituted for the offence under Sections 406,420/34
of the IPC.

Counsel for the petitioner has submitted that he has
purchased paddy from the farmers and issued cheque in favour
of the farmer for the aforesaid paddy.

It is alleged in the written report that the petitioner being
ex-Chairman of Chandel PACS took cash credit loan of Rs.
3,90,643/-, as per the target fixed by the government for
purchasing paddy from the farmers in Kharif season 2012-13
upon which 11% interest was also recoverable by the bank from



the petitioner, (ex-Chairman of the PACS).

It is further alleged that after purchasing paddy the same was not deposited in the SFC godown by the PACS, Chairman, i.e. the petitioner, on account of which loss of Rs. 3,90,643/- occurred to the government exchequer.

Counsel for the petitioner has submitted that he has already deposited Rs. 1,00,000/- in the bank vide receipt no. CB-265. The amount of Rs. 30,000/- credit in the account of the petitioner was frozen by the bank.

Learned counsel for the petitioner has submitted that he will deposit the remaining amount of Rs. 2,60,000/- in six equal installments.

In such circumstances, the petitioner is directed to surrender before the court below in connection with Angadh P.S. Case No. 39 of 2015, to the satisfaction of the learned Chief Judicial Magistrate, Purnia, within a period of four weeks from the date of receipt of the order, alongwith receipt showing payment of first installment and in that event the court below will release the petitioner on provisional anticipatory bail for a period of nine months on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to its own satisfaction, subject to condition as laid down under



Section 438(2) of the Cr.P.C. with further conditions (1) (bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioner and (3) if the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

Thereafter, petitioner will make payment of remaining five installments within a period of nine months and after depositing the entire amount his provisional bail will be confirmed.

The aforesaid payment made by the petitioner will be subject to final decision of the case.

It is made clear that in the event, petitioner fails to deposit the amount as mentioned above, his bail bond will be liable to be cancelled.

(Sanjay Priya, J)

khushbu/-

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

