

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25868 of 2018

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

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Sunil Prasad, S/o Nandlal Prasad, Vil+Post- Jamua, P.S.- Bairgania, Dist-
Sitamarhi.

.... Petitioner

Versus

1. The State of Bihar.
2. Johail Akhatar, Branch Incharge, Sitamadhi Central Cooperative Bank
Ltd., Bairgania, Sitamarhi.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate
For the Opposite Party/s : Mr. Nand Kumar, APP
For O.P. No.2 : Mr. Dr. Kislay with Mr. Lalmani Sharma,
Advocates

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 02-07-2018 Petitioner apprehends his arrest in connection with

Bairgania P.S. Case No. 226 of 2016 registered for the offences

punishable under Sections 406, 409 and 420 of the Indian Penal

Code.

Petitioner happens to be Executive Member of PACS and

allegation is that he along with Chairman of PACS has withdrawn

Rs.32,84,535 for purchase of paddy and now as per FIR

Rs.19,63,045/- is due with the petitioner.

Submission of learned counsel for the petitioner is that

Annexure-2 shows that nothing is due against the petitioner and he

has already deposited Rs.7,05,369/- and whatever is due that is



against the BSFC and petitioner is not responsible for that. Further submission is that the Chairman of the PACS has been granted privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 28.3.2018 passed in Cr.Misc.No. 16784 of 2018.

Heard learned APP and learned counsel for the Sitamarhi Central Co-operative Bank, who has submitted that Rs.12 lakhs and odd is due with the petitioner and he has not deposited the same.

Having heard learned counsel for the parties and in the facts and circumstances, this application is disposed of with a direction to the petitioner to surrender within a period of eight weeks from the receipt of this order along with a Bank Draft for Rs. 12 lakh in favour of Sitamarhi Central Co-operative Bank. Once the same is deposited, learned court below will release him on bail to its own satisfaction. It is made clear that the aforesaid amount of Bank Guarantee will be subject to result of the case.

(Vinod Kumar Sinha, J)

spa/-

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