

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48995 of 2018

Arising Out of PS.Case No. -2180 Year- 2016 Thana -BEGUSARAI COMPLAINT CASE District-
BEGUSARAI

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1. Ram Sewak Mahto Son of late Ram Lakhan Mahto resident of Village-
Bariyarpur East, P.S. Khodavandpur, District- Begusarai(Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rajeev Kumar Son of Sri Vijay Kumar Gupta Prop. of M/S Gitanjanli
Rice Mill, Teghra, R/o Village- Cheriya Bariyarpur,P.S. Cheriya,
Bariyarpur, District- Begusarai (Bihar), At Present Bishwanath Nagar,
P.S. Town, District- Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S.N.P. Sinha
Mr. Mira Kumari

For the Opposite Party/s : Mr. Smt. Renuka Ratnakar

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 24-08-2018 Heard learned Senior Counsel for the petitioner and

learned Additional Public Prosecutor for the State.

The petitioner has been in custody since 06.06.2018

in connection with C.R. No. 2180 C of 2016 registered for the

offences punishable under Sections 420 of the Indian Penal Code

and Section 138 of the Negotiable Instrument Act.

Learned Senior Counsel appearing on behalf of the

petitioner submits that he is the Chairman of Bariarpur East,

Primary Agriculture Co-operative Credit Society, Bariarpur East,

P.S. Khodavandpur and the other co-accused Kundan Kumar is

the Manger of the said PACS. The allegation against the petitioner



is that the accused persons issued a Cheque of Rupees Six Lakh Seven Thousand and Five Hundred Only (Rs. 6,07,500/-) of the Co-operative Bank bearing Cheque No. B.C.C.B No. 7250 which was jointly signed by both the persons and issued under PACS Account No. 00022 in the name of M/s Geetanjali Rice Mill, Proprietor, Rajeev Kumar, requesting for early supply of rice. The case of the complainant further, is that the said Cheque was deposited but could not be encashed as the same was returned with a reason "Title of account and full account number required". The further allegation is that though the complainant approached the present petitioner to rectify the Cheque and issue the corrected Cheque number, the accused persons refused to do same against the supply of rice by the complainant. Learned Senior Counsel appearing on behalf of the petitioner submits that the entire complaint against the petitioner is false and fabricated, inasmuch as the petitioner had never purchased any rice from the complainant and the duty of the petitioner is to purchase paddy from the farmers and to supply purchased paddy to any rice mills which is certified by the Bihar State Food Corporation and allotted by the District Officer, after entering into the written agreement with the said rice mills. It is further submitted that the



present PACS of which the petitioner is Chairman had never entered into any agreement with the complainant rice mill, rather it was attached with one M/s Rakesh Ranjan Rice Mill, Chakwa, as has been allotted to them by the District Officer. Thus, the entire allegation is false and malicious and should not be entertained. It is further submitted that the petitioner is a responsible functionary of the PACS and will not evade or abscond if extended the privilege of bail.

Having considered the submissions of the petitioner and that the role of the PACS, as submitted, was merely to purchase paddy from the farmers and does not purchase rice from any one, the allegations could only be best tested at the stage of trial.

Learned Senior Counsel for the petitioner submits that he shall co-operate in any further investigation and also in the trial, if extended the privilege of bail.

In view of the aforementioned facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, 1st, Begusarai, in



connection with C.R. No. 2180 C of 2016.

(Anjana Mishra, J)

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