

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75592 of 2018

Arising Out of PS. Case No.-75 Year-2014 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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Bibha Devi Wife of Indu Yadav @ Indu Kumar Yadav, Resident of Village-Arar, P.S. Gawalpara(Arar O.P.), Distt.-Madhepura at present working as Assistant Manager, Reshna PACS, Block & P.S. Gawalpara,Distt.-Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Balram Singh Son of Late Sitaram Singh, Resident of Village-Arar ghat, P.S. Gwalpara (Arar O.P.) Distt.-Madhepura

... .. Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr.Shashi Bhushan Kumar, Advocate
For the State	:	Mr. Dilip Kumar, APP
For BSFC	:	Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 21-12-2018 Heard both sides.

Petitioner apprehends her arrest in Complaint Case No.C-75 of 2014, registered under Sections 420 and 406 of the Indian Penal Code and under Sections 138 and 142 of the N.I. Act.

The gist of the allegation against the petitioner is that the petitioner being the Assistant Manager of the PACS issued cheques after purchasing paddy from the complainant and his family members but the cheques were dishonoured on the ground that the same exceeded arrangement.

Learned counsel for the petitioner submits that there is no fault on the part of the petitioner. The Co-operative Bank has to



honour the cheque made available by the Co-operative Bank to the PACS. Petitioner shall be responsible only when the paddy is not made available to SFC after purchasing the paddy from the farmers.

Mr. Shailendra Singh, the learned counsel appearing on behalf of the SFC however vehemently opposes the prayer of bail.

Taking into consideration the facts that the petitioner being the Assistant Manager of the PACS issued cheques provided by the Co-operative Bank after purchasing paddy but the Co-operative Bank did not honour the cheques already issued in favour of the PACS on the ground that the cheques exceeded arrangement, let petitioner, above named, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt of this order be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Udakishunganj, Madhepura in connection with Complaint Case No.C-75 of 2014, subject to the conditions laid down under Section 438(2) Cr. P.C.

(Prabhat Kumar Jha, J)

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