

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6106 of 2018

Arising Out of PS.Case No. -150 Year- 2015 Thana -BARURAJ District- MUZAFFARPUR

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1. Birendra Kumar Chaudhary, Son of Sri Baidnath Chaudhary, resident of Village- Bishunpur Horil, P.O.- Kamalpur Bishraul, P.S.- Baruraj, District- Muzaffarpur, Chairman of Pakri PACS.

2. Birendra Prasad Singh, Son of Late Adalat Singh, resident of Village- Mahamadpur Gang, P.O.- Birahima Bazar P.S., Baruraj, District- Muzaffarpur, Member of Pakri PACS.

.... Petitioner/s

Versus

1. The State of Bihar.

2. The Muzaffarpur Central Co-operative Bank Ltd, Muzaffarpur through its Managing Director.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Prakash Shharma

For the Opposite Party/s : Mr. Smt. Anita Kumari

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 21-02-2018

Heard both sides.

The petitioners apprehend their arrest in Baruraj P.S. case No. 150 of 2015 under Section 409, 420/34 of the Indian Penal Code.

The petitioners had earlier filed Cr. Misc. No. 12886 of 2016 for grant of anticipatory bail but the same was dismissed for non prosecution on 02.05.2016.

The gist of the allegation is that petitioners being Chairman and Member of Pakri PACS were authorized to withdraw amount from Central Co-operative Bank, Muzaffarpur



for purchasing paddy from the farmers within the area of Pakri PACS and they withdrew Rs. 5,42,215/- for purchasing paddy. After purchasing paddy the petitioners kept the same in their godown but SFC did not take the paddy and, therefore, the paddy remained in the godown of petitioners. It is further submitted that audit was also made and the auditor found that due to non taking of paddy from the godown of the petitioners by the SFC condition of the paddy deteriorated. It is submitted that petitioners are ready to deposit Rs. 5,42,215/- within three months from today.

On the other hand the learned counsel for the bank submits that if the money is returned to the bank within three months he has got no objection. It is further submitted that from the averments made in the petition, it appears that petitioners have stated in the bail petition that they purchased the paddy and kept the same in their godown. The petitioners also admitted that they sold half of the purchased paddy to different persons.

Considering the facts aforesaid and the fact that petitioners are ready to deposit the entire amount of Rs. 5,42,215/- within three months from today in the account of Central Co-operative Bank Muzaffarpur, the petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/ production



of a copy of this order are directed to 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 Sri A. K. Tiwari, learned Judicial Magistrate, 1st class, Muzaffarpur in connection with Baruraj P.S. case No. 150 of 2015, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

If the petitioners fails to deposit Rs. 5,42,215/- within three months from the date of this order, the learned court below, immediately after lapse of three months, shall cancel the bail bonds of the petitioners.

(Prabhat Kumar Jha, J)

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