

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5121 of 2019

Arising Out of PS. Case No.-277 Year-2018 Thana- MAKHDUMPUR District- Jehanabad

Birendra Yadav, Gender, Male, aged about 55 years, Son of late Sahdeo Yadav, resident of Village, Kachnawan, Police Station- Makhdumpur, in the district of Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar

For the Opposite Party/s : Mr. Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 18-02-2019 Heard parties.

Petitioner seeks bail in **Makhdumpur P.S. Case No.277 of 2018** registered for the offence punishable under Sections 409, 420, 424/120(B) of the Indian Penal Code.

Informant is the co-operative Extension officer who has alleged that petitioner was President of PACS and during the Kharif procurement year 2017-18, PACS had received 2410 quintals of paddy but deposited only 1620.06 quintals of C.M.R. and remaining 110 quintals of CMR valued at Rs.18,74,012/- was not deposited even after repeated warning and as such present case was instituted on the basis of said complaint giving rise to Makhdumpur P.S. Case No.277 of 2018 under Section 409, 420 424 read with 120B IPC.



It has been submitted on behalf of the petitioner that he is President of PACS and is not solely responsible for the default committed by PACS. It has further been submitted that total 2418 quintals paddy out of which 1209 quintals paddy was lifted by Miller and remaining 1209 quintals of paddy were kept lying in godown of PACS and same was not uplifted and due to rainy season and moisture paddy kept in godown were damaged and same was informed to the co-operative officers and it was within their knowledge but no step was taken by informant or District Cooperative Officer.

It has further been submitted that petitioner deposited rupees six lacs in PACS account and the allegation of defalcation and misappropriation is false and he is in custody since 23.11.2018 without any fault committed by him. It has further been submitted that petitioner will be depositing another six lacs rupees after bail is granted to him within six months.

In the facts and circumstances of the case, let the petitioner named above be released on **provisional bail for six months** upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Jehanabad in connection with **Makhdumpur P.S. Case No.277 of 2018**, with following



conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(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.

(4) The provisional bail granted to the petitioner shall be confirmed if he deposits rupees six lacs within six months and if same is not deposited, the bail bond of petitioner shall be cancelled.

(S. Kumar, J)

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