

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.77008 of 2018

Arising Out of PS. Case No.-154 Year-2018 Thana- KUTUMBA District- Aurangabad

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1. Akshay Singh S/o Sri Doman Singh, resident of Village- Saraibar, P.S.- Kutumba, District- Aurangabad.
 2. Chandrashekhar Chaudhary, S/o Late Rampravesh Chaudhary, resident of Village- Godiha, P.S.-Kutumba, District- Aurangabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 15-01-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 420, 406, 34 IPC registered in connection with Kutumba P.S. Case No. 154 of 2018.

3. The petitioner no. 1 is the Chairman of Matpa PACS and petitioner no. 2 is the Manager of the said PACS have been falsely implicated in connection with alleged defalcation of Rs,5,68,850/- inasmuch as 245.89 quintals of CMR was not deposited to the SFC. It is submitted that the entire amount in question namely, Rs. 5,68,850/- together with interest of Rs. 66,454/- has been deposited in five instalments and no due certificate has been issued to the petitioners. The petitioners claim clean antecedents.

4. Be that as it may, having regard to the entirety of the facts and circumstances, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of



learned ACJM VII, Aurangabad, in connection with Kutumba P.S. Case No. 154 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- (i) That one of the bailors shall be a close relative of the petitioners.
- (ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.
- (iii) That the petitioners shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- (iv) The petitioners shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.
- (v) The learned Court below shall verify that the entire amount of dues of Rs. 5,68,850/- has already been deposited together with interest of Rs. 66,454/- in the bank account of Matpa PACS in Co-operative Bank, Kutumba (Amba) Branch.

Chandran/-

(Vikash Jain, J)

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