

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37432 of 2019

Arising Out of PS. Case No.-101 Year-2018 Thana- BASANHI District- Saharsa

Ram Bilas Nirala Son of Roghani Mandal Resident of Village-Baith
Musahari, Police Station-Basnahi, District-Saharsa.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Manager, Bihar State Food and Civil Supplies Corporation Limited, Saharsa.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Viveka Nandsingh, Advocate
For the BSFC	:	Mr. Shailendra Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 21-08-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in Basnahi P.S.
Case No. 101 of 2018, registered for the offences punishable
under Sections 406, 409, 420 and 34 of the Indian Penal Code.

Prosecution case based on the written report of
informant in short is that in light of Govt. letter no. 5765 dated
14.11.2017 PACS has to purchase paddy for the year 2017-2018
and Assistant Manager purchased 1209 quintals of paddy in
which 67% CMR was to be deposited before the State Food
Corporation, Saharsa up to 31.07.2018, but only 270 quintals of
CMR has been deposited and the rest 540.03 quintals of CMR



valued at Rs. 1249500/- has not been deposited till the lodging of case. Further it is stated that total cost of purchased paddy was paid through RTGS by Bihar State Cooperative Bank, Bihat Branch to PACS of Baith Musahari which is government money misappropriate by PACS Manager of Baith Musahari.

It is submitted on behalf of petitioner that co-accused Babu Saheb who is Chairman PACS had already deposited the entire dues and the same is confirmed by the Cooperative Extension Officer, Sonbarsa through letter no. Nil dated 14.03.2019 vide Annexure-3. The same is not disputed by the counsel for Bihar State Food and Civil Supplies Corporation Limited. Petitioner has got no criminal antecedent.

Considering the facts aforesaid and the fact that entire dues amount has already been deposited by the accused persons, the petitioner above-named, in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is 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 the learned Additional Chief Judicial Magistrate IIIrd, Saharsa in connection with Basnahi P.S. Case No. 101 of 2018, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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