

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26405 of 2018

Arising Out of PS. Case No.-172 Year-2017 Thana- PURNEA SADAR District- Purnia

Ainul Haque, S/o Gulzar, R/o Ichalo, Tola Khariat, P.S.- Dagarua, Limited,
Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Branch Manager, the Purnea District Central Co-Operative Bank Limited , Purnea.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Bidhu Ranjan, Advocate.

For the Opposite Party/s : Mr.Sri Braj Kishore Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

6 16-01-2019 Heard learned counsel for the petitioner, learned
counsel appearing for the Purnea District Central Co-operative
Bank Limited and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Sadar P.S. Case No. 172 of 2017 registered under Sections
406, 409 and 420 of the Indian Penal Code.

The accusation is that Azizur Rahman @ Azizur
Rahman being the Chairman and petitioner being the Manager
of PACS, Ichalo, Purnea, took the loan of Rs.3,66,275.98/- from
the Purnea District Central cooperative Bank Limited,
Gulabbagh Branch, Purnea, for purchasing the paddy from the
farmers and supplying the rice after husking of the paddy to the



B.S.F.C. but petitioner being the Manager and co-accused, Azizur Rahman @ Azizur Rahman being the Chairman misappropriated the said amount.

Learned counsel for the petitioner submits that, in fact, the amount was received by Azizur Rahman @ Azizur Rahman, Chairman of PACS, who has deposited the total amount, as detailed in the F.I.R., which would appear from Annxure 7 to the supplementary affidavit filed on behalf of the petitioner. It is further submitted that co-accused, Azizur Rahman @ Azizur Rahman has already been granted privilege of pre-arrest bail by this Court vide order dated 14.11.2017 passed in Criminal Misc. No. 54022 of 2017.

Learned counsel appearing for the Purnea District Central cooperative Bank Limited, Gulabbagh Branch submits that the amount, as detailed in the F.I.R., has already been deposited by co-accused, Azizur Rahman @ Azizur Rahman.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial



Magistrate, Purnea, in connection with Sadar P.S. Case No. 172
of 2017, subject to the condition as laid down under Section
438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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