

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55016 of 2019

Arising Out of PS. Case No.-574 Year-2018 Thana- COMPLAINT CASE District- Banka

Rakesh Kumar Bachchu @ Rakesh Kumar Bachhu, Male, Aged about 54 years, Son of Late Basudeo Prasad Barnwal @ Late Basudeo Barnwal, Village Chandan, P.S. Chandan, District Banka.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Bihar State Food Corporation, Banka, P.S.- Banka, District – Banka.
3. Rakesh Kumar Rai, Male, aged about 40 years, Son of Late Tripurari @ Late Tripurari Rai, Resident of Village Banka, P.S. Chandan, District Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Sandeep Kumar, Advocate Mr. Suresh Prasad Sah @ Baranwal, Advocate
For the State	:	Dr. Ajeet Kumar, APP
For the BSFC	:	Mr. Agreya Pratap, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 20-11-2019 Heard both sides.

The petitioner apprehends his arrest in Complaint Case No.574 of 2018, registered under Sections 406, 409 and 420 of the Indian Penal Code.

The complainant is the proprietor of Mahadev Industries. The complainant alleged that the petitioner being the Chairman of Chandan PACS entered into an agreement to deliver 1797 quintals of paddy to the complainant for delivery of 1204 quintals of CMR but the petitioner delivered only 600 quintals of paddy to the miller. The petitioner did not deliver the remaining amount of paddy to the miller and thereby the Chairman



misappropriated the paddy.

Learned counsel for the petitioner submits that Block Co-operative Officer lodged Chandan P.S. Case No.158 of 2017 against Rakesh Kumar Bachchu, the petitioner, Chairman of Chandan PACS and Sri Rajendra Kapri, the Manager of Chandan PACS for misappropriation of 3550 quintals of paddy which they had purchased from the farmers. The petitioner and the Manager of the PACS were granted regular bail by a co-ordinate Bench of this Court vide order dated 18.05.2018, passed in Cr. Misc. No.30069 of 2018 and for the same allegation for not delivering the paddy, the proprietor of Mahadev Industries, Banka filed the present complaint case.

Learned counsel appearing on behalf of the BSFC did not dispute this fact.

Taking into consideration the facts that for misappropriation of 3550 quintals of paddy purchased by the Chairman and the Manager of Chandan PACS, Chandan P.S. Case No.158 of 2017 has already been registered against the petitioner and on same and similar allegation, one of the miller with whom the PACS had entered into an agreement, filed the present complaint case for misappropriation of 1770 quintals of paddy, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date



of receipt of the order, 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 C.J.M., Banka in connection with Complaint Case No.574 of 2018, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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