

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71133 of 2019

Arising Out of PS. Case No.-237 Year-2019 Thana- CHAPRA MUFFASIL District- Saran

1. Nagnarayan Rai Son of Shambhu Nath Rai (Member of PACS). Resident of Village - Dumaria, P.S.- Chhapra Muffasil, District- Saran at Chhapra
2. Manindra Kumar Son of Late Lal Babu Rai, Resident of Village - Dumaria, P.S.- Chhapra Muffasil, District- Saran at Chhapra

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Yashraj Bardhan, Advocate

For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

Petitioners in the present case are seeking anticipatory bail in connection with Chapra Mufassil P.S. Case No. 237 of 2019 registered for the offences punishable under Sections 409/34 of the Indian Penal Code.

Petitioners in the present case are the office bearers of the Primary Agriculture Cooperative Society (PACS) and the allegations against the Society is that though Society has purchased 403 quintals of paddy from the farmers but it has not supplied 270 quintals of Customized Mill Rice (CMR) or equivalent of Rs. 7,55,784.99/- to the State Food Corporation.



Learned counsel for the petitioners submits that these petitioners have not purchased the paddy crop from the farmers in their individual capacity and it is in fact the PACS which has purchased the same, however, they are taking a bonafide plea by undertaking without prejudice to their defence that they would supply 270 quintals of CMR within a period of 8 weeks from today or equivalent value thereof being Rs. 7,55,784.99/- will be deposited with the State Food Corporation within the same period.

Learned counsel submits that 50% of the CMR quantity or 50% of the amount will be made available to the State Food Corporation within a period of four weeks from today and the balance 50% shall be provided/paid within a further period of four weeks thereafter.

In the nature of the submissions, learned APP for the State submits that an appropriate view of the matter may be taken.

Having considered the submission on behalf of the petitioners whereunder they are undertaking to deposit either the entire 270 quintals of CMR or the amount of Rs. 7,55,784.99/- within 8 weeks from today and 50% of the same will be made available to the State Food Corporation within a period of four weeks from today, let the petitioners above named in the event



of their arrest or surrender within a period of four weeks from today be enlarged on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Chapra Muffasil P.S. Case No. 237 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that in terms of their own undertaking they will deposit the CMR or the value thereof as stated above within the aforesaid period of 8 weeks. After payment of 50% of either of the CMR or value thereof within the aforesaid period, the petitioners shall surrender and furnish



their bail bonds in the court below and on being satisfied with the said deposit of 50%, the court below shall accept the bail bonds of the petitioners.

The application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

vats/ved

U		T	
---	--	---	--

