

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69729 of 2019

Arising Out of PS. Case No.-43 Year-2019 Thana- PAUTHU District- Aurangabad

=====

ALOK KUMAR Son of Late Suraj Dayal Yadav @ SuryaDayal yadav
Resident of Village - Bharatipur, P.S.- Pauthu, Distt.- Aurangabad.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. the Chairman, Bihar State Food Corporation, Bihar, Patna. Bihar

... .. Opposite Party/s

=====

with

CRIMINAL MISCELLANEOUS No. 66094 of 2019

Arising Out of PS. Case No.-43 Year-2019 Thana- PAUTHU District- Aurangabad

=====

RAM KUMAR MISHRA Son of Late Bachan Mishra Resident of Village -
Pachar, P.S.- Sarawak, P.S.- Rafiganj, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

(In CRIMINAL MISCELLANEOUS No. 69729 of 2019)

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Parmeshwar Mehta

For the BSFC : Mr. Niraj Kumar

(In CRIMINAL MISCELLANEOUS No. 66094 of 2019)

For the Petitioner/s : Mr.Niranjana Kumar

For the Opposite Party/s : Mr.Gauri Shankar Gupta

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

- 3 13-12-2019 Both the cases arises out of same P.S.Case number,

as such they are taken together for disposal.

Heard learned counsel for the parties.

Petitioners of both the cases are apprehending their arrest

in connection with Pauthu P.S.Case No.43 of 2019 registered for

offences punishable under Sections 420, 406, 409 of the Indian

Penal Code.

In Cr. Misc. No.69729 of 2019 petitioner is the Chairman



of the PACS and in Cr. Misc. No.66094 of 2019 petitioner is the Assistant Manager of the Godown.

Allegation in short is that during the period of 2018-19, 5239 quintal of paddy was supplied and the petitioner has to deposit 3510 quintal of CMR rice and during that period, petitioner in Cr. Misc. No.66094 of 2019 was Assistant Manager of Godown as such they have caused a loss of Rs.35,26,250/- to the Government.

So far petitioner in Cr. Misc. No.66094 of 2019 who is Assistant Manager, it is submitted that during that period, he has sick and certificate to that effect has been issued by the District Co-operative Officer and he is not involved in this case and the main responsibility is on the Chairman of the PACS who is the petitioner in Cr. Misc No.69729 of 2019.

On the other hand the Chairman (petitioner) has submitted that he is ready to deposit the amount if he is granted time till February, 2020.

In view of the facts as stated above, let the petitioner (Ram Kumar Mishra) of Cr. Misc. No.66094 of 2019 in the event of arrest or surrender before the court below be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the



satisfaction of the learned ACJM, Aurangabad in connection with Pauthu P.S.Case No.43 of 2019 dated 17.8.2019 subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

So far petitioner Alok Kumar of Cr. Misc. No.69729 of 2019 , who is Chairman of the PACS, he is directed to surrender within a period of three weeks from the date of receipt of the order and on surrender he will be released on provisional bail in connection with Pauthu P.S.Case No.43 of 2019 for the period of three months to the satisfaction of court below on condition that he will deposit the total amount of Rs.35,26,250/- within that period through the bank draft in favour of the BSFC and the learned court below once being satisfied with payment of total above amount, confirm the bail bond of the petitioner. In case of failure to deposit the above amount his provisional bail shall be cancelled.

With the aforesaid direction, this application is disposed of.

(Vinod Kumar Sinha, J)

chn/-

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

