

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74252 of 2018

Arising Out of PS. Case No.-170 Year-2018 Thana- NASRIGANJ District- Rohtas

Om Prakash Singh Son of Late Yamuna Singh, Resident of Village- Badihan,
P.S.-Nasriganj, District-Rohtas.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K.Agrawal Mr.Ravindra Kumar Singh Mr. A.K.Karna
For the Opposite Party/s :		Mr.Parmeshwar Mehta Mr. Niraj Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 29-01-2019 Heard Mr. N.K.Agrawal, learned senior counsel for
the petitioner, learned A.P.P. and learned counsel for the
B.S.F.C.

The petitioner apprehends his arrest in Nasriganj P.S.
Case No.170 of 2018 registered under Sections 406, 419 and
420 of the Indian Penal Code.

In sum and substance, the Co-operative Extension
Officer, Nasriganj alleged that petitioner being Chairman of
Pokhraha PAACS procured 1,276 quintals of paddy till
31.03.2018. The petitioner had to deliver 854.92 quintals of
C.M.R. to the S.F.C. but petitioner supplied only 270 quintals of
C.M.R. The petitioner is alleged to have defalcated 873 quintals



of paddy, the price of which comes to Rs.13,53,150/- at the rate of Rs.1,550/- per quintal.

The learned counsel for the petitioner submits that from perusal of audit report, it would appear that Co-operative Society has to pay Rs.10 lacs to the petitioner and the amount of Rs.10 lacs may be adjusted in the amount alleged to have been defalcated by the petitioner.

It appears from the records that the petitioner not delivered 873 quintals paddy in the procurement year of 2017-18 to the S.F.C. and even the godown was searched but no paddy was found. Petitioner is alleged to have defalcated the entire paddy, the price of which comes to approximately Rs.13,53,150/-. The amount found lying against the Co-operative Department cannot be adjusted in the Head for which the petitioner is alleged to have misappropriated. The petitioner is ready to deposit the entire amount within reasonable period, on such, learned counsel for the B.S.F.C. did not raise any objection.

Considering the facts that petitioner is ready to deposit the entire amount i.e. Rs.13,53,150/-, the price of 873 quintals of paddy at the rate of Rs.1,550/- per quintal by 30th of March, 2019, let the 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 released on bail on furnishing bail bond of Rs.2,00,000/-(Rupees Two Lacs) with two sureties of the like amount each to the satisfaction of Sri Ravi Ranjan, J.M. 1st Class, Bikramganj, Rohtas in connection with Nasriganj P.S. Case No.170 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is further directed that if the petitioner fails to deposit Rs.13,53,150/- by 30th of March, 2019, the learned court below shall forthwith cancel the bail bond of the petitioner after forfeiting security of the sureties and take necessary step for taking the petitioner into custody.

(Prabhat Kumar Jha, J)

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