

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6513 of 2020

Arising Out of PS. Case No.-243 Year-2019 Thana- BIKRAM District- Patna

1. SANJAY KUMAR VERMA S/o Ram Das Verma R/o village- Narainpur Arap, P.S.- Bikram, District- Patna
2. Alok Kumar S/o Ashok Prasad Resident of Arap, P.S.- Bikram, District- Patna
3. Smt. Champa Devi W/o Surendra Prasad R/o village- Narainpur Arap, P.S.- Bikram, District- Patna
4. Ajeet Kumar S/o Nageshwar Paswan Resident of Arap, P.S.- Bikram, District- Patna
5. Anil Pandit S/o Chandeshwar Pandit Resident of Arap, P.S.- Bikram, District- Patna
6. Smt. Vibha Devi @ Vibha Kunwar W/o Birendra Resident of Arap, P.S.- Bikram, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Patanjali Rishi, Adv

For the Opposite Party/s : Mr. Rizwanul Haque, APP

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

4 20-10-2020 Heard learned counsel for the parties.

Petitioners apprehend their arrest in a case registered for the offence punishable under Sections 467, 468, 406, 420/34 of the Indian Penal Code.

Informant Rahul Choudhary who is Sahkarita Prasar Padadhikari has alleged in his written complaint that President, Manager and members of the Management Committee of Arap



Narayanpur PACS of block Bikra, received 602.78 metric ton of paddy in the year 2018-19 and they were required to return to Bihar State Food Corporation, Patna, 403.86 metric ton of rice @ 67% CMR by 31.07.2019 but they had deposited only 162 metric ton of rice and 241.86 metric ton of rice worth Rs. 67,69,903.26/- was yet to be deposited. No paddy was found on the inspection of godown of Arap Narayanpur PACS which prima facie disclosed criminal misappropriation and embezzlement of money. It is further alleged that the Manager, President & Management Committee did not give any explanation even after informant's show cause.

It has been submitted on behalf of the petitioners that they are innocent and have been falsely implicated in this case on suspicion. It has been submitted that petitioner did not receive any show cause from Sahkarita Prasar Padadhikari. It has been further submitted that maintaining accounts of CMR is the duty of Chairman of the PACS and the function of the Board is to keep a vigil on the Chairman and the Board. Petitioners were constantly putting pressure upon the Chairman of the PACs to ensure proper accounting of the PACs. It has been further submitted that day to day functioning are entrusted to the Chairman of the PACS to maintain the accounts and petitioners



cannot be burdened with criminal liability for something over which they had no control. Petitioners have got no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on anticipatory bail in the event of their arrest or surrender before the court below within a period of four weeks from today upon furnishing bail bonds of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Bikram P.S. Case No. 243 of 2019**, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(S. Kumar, J)

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