

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2377 of 2020

Arising Out of PS. Case No.-403 Year-2019 Thana- HILSA District- Nalanda

Vijay Shankar Singh, Son of Late LaxmiGarai, Resident of Village - Belwa
Par, P.S.- Hilsa, District - Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Nandu Kumar Yadav, Advocate
For the Opposite Party/s : Mrs.Nirmala Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 20-03-2020 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is the Chairman of Redi Panchayat PACS and is seeking regular bail in connection with Hilsa P.S. Case No. 403 of 2019 registered for the offences punishable under Sections 419/420/406/120B/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the allegations, the petitioner had received a sum of Rs. 26,32,164/- in the Special Cash Credit Account of Redi Panchayat PACS for purchase of paddy crops from the farmers, however, the said amount has been allegedly misappropriated. It is alleged that all the executives of the PACS have connived in the misappropriation of the money. The F.I.R. also points out



that the account of the PACS is operated jointly by this petitioner and the manager of the PACS.

Learned counsel for the petitioner submits that though the amount has been received in the account of the PACS, it cannot be said that the petitioner has misappropriated the same and according to him the allegations are against all the executives members of the PACS. Learned counsel also submits that the manager of the Panchayat PACS has been granted anticipatory bail by learned Co-ordinate Bench of this Court.

In course of argument, learned counsel submits that one another case has also been lodged alleging defalcation of money and in this regard Hilsa P.S. Case No. 461 of 2018 has also been instituted in which the petitioner is an accused. In course of argument, it has been disclosed that in the said Hilsa P.S. Case No. 461 of 2018 the petitioner had moved this Court for grant of anticipatory bail and there in course of submission it was submitted that the petitioner was ready to refund the alleged amount under protest. Petitioner also agreed to deposit Rs. 1,65,000/- before filing of the bail bond and thereafter Rs. 1,50,000/- every month. On such submission of the petitioner he was granted anticipatory bail by learned Co-ordinate Bench of this Court vide order dated 13.03.2019 in Cr. Misc. No. 15652



of 2019.

It is admitted that the petitioner did not comply with his own undertaking given before the learned Co-ordinate Bench of this Court in which he had expressed his readiness to refund the alleged amount under protest.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner. It is submitted that the petitioner seems to have been involved in misappropriation of money. It is submitted that once the petitioner had undertaken before the learned Co-ordinate Bench of this Court to refund the amount and has failed to abide by the same, he does not deserve privilege of regular bail by this Court particularly in view of the fact that the petitioner is the signatory of the cheque and it is he who is the Chairman of the PACS and he is in control of the ultimate affairs of the PACS.

Having heard learned counsel for the petitioner and learned A.P.P. for the State as also on perusal of the records, this Court is not inclined to grant regular bail to the petitioner for the reason that he is the person being Chairman of the PACS is in ultimate control of the affairs of the PACS. He is also signatory of the cheque and on earlier occasion it is he who had given an undertaking before the learned Co-ordinate Bench of this Court



in Cr. Misc. No. 15652 of 2019 that he would deposit the alleged amount under protest which he failed to do. Prayer for bail of the petitioner is, thus, rejected.

(Rajeev Ranjan Prasad, J)

vats/-

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