

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4043 of 2020

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

1. SRI SARVSACHI PRASAD SINGH Son of Rambali Singh Resident of Village - Arap, P.S.- Bikram, Dist.- Patna.
2. Sri Uday Kumar Sharma Son of Tara Prasad Sharma Resident of Village - Arap, P.S.- Bikram, Dist.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lala Sheshendra Narayan Rais
For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 17-09-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and Dr. Kumar Uday Pratap, learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Bikram P.S. Case No. 243 of 2019 for the offence registered under Sections 467, 468, 406, and 420/34 of the Indian Penal Code.

The case of the prosecution in brief is that the President, Manager and members of the Managing Committee of Arap



Narayanpur PACS of Block-Bikram had received 602.78 metric ton of paddy in the year 2018-19 and they had to return rice to the tune of 403.86 metric ton to the Bihar State Food Corporation Ltd. Patna by 31.09.2019, however, only 162 metric ton of rice was deposited and the balance rice worth a sum of Rs. 67.69 lakh approximately was not deposited and it has been alleged that the same has been misappropriated and embezzled by the accused persons. The petitioners are stated to be the members of the Managing Committee.

The learned counsel for the petitioner has submitted that the petitioners are innocent, they have been falsely implicated in the present case and are having clean antecedent. It is further submitted that as far as the petitioners are concerned, they have resigned from the membership of the PACS in question on 02.02.2019 and 05.02.2019, respectively, i.e. prior to the incident in question, hence it is submitted that the petitioners do not have any complicity in the matter.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the fact that the petitioners



were the members of the Managing Committee of the PACS in question at the relevant time and they have not been able to demonstrate that their resignation was either accepted or they had ceased to be the members of the Management Committee prior to the financial year 2018-19, this Court finds that their complicity in the alleged occurrence cannot be ruled out, hence I do not find the present case to be a fit case for grant of anticipatory bail, thus the present petition stands dismissed.

(Mohit Kumar Shah, J)

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