

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8876 of 2020

Arising Out of PS. Case No.-185 Year-2019 Thana- ADAPUR District- East Champaran

RAKESH KUMAR YADAV Son of Chandrika Prasad Yadav @ Chandrika
Yadav Resident of Village- Chainpur, P.S.- Adapur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-03-2020 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail
in connection with Adapur PS case no. 185 of 2019 registered
for the offences punishable under Sections 406, 420 of Indian
Penal Code.

The case of the prosecution is that 748 quintals of
paddy was purchased by Bhairvatola Bhawanipur PACS in the
Kharif season 2018-19 and the said PACS was required to
deposit C.M.R. totalling to a sum of 501.16 quintals with BSFC
after processing it in the mill by 31.03.2019, however no
C.M.R. was deposited by the PACS President, whereafter the
Block Development Officer, Adapur had deputed an officer for
physical verification and it was found that 748 quintals of paddy



was lying intact in the godown of the said PACS.

The learned counsel for the petitioner has submitted that the petitioner is the Manager of the PACS in question, is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that admittedly, there has been no defalcation since 748 quintals of paddy was found intact in the premises of the said PACS. It is further submitted that the Chairman of the PACS in question has already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 28.02.2020, passed in Cr. Misc. no. 39 of 2020.

Having regard to the facts and circumstances of the case, considering submissions made by the learned counsel for the parties as also taking into account the parity of the case of the petitioner with that of the co-accused person who has already been granted anticipatory bail by a co-ordinate Bench of this Court, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-



(Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Motihari, East Champaran in connection with Adapur PS case no. 185 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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