

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78752 of 2019

Arising Out of PS. Case No.-238 Year-2018 Thana- KARAHGAR District- Rohtas

BANARASI SINGH, aged about 48 years, Male, Son of Kapil Deo Singh,
Resident of Village - Dumara, P.S.- Kargahar, Distt - Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food and Civil Supplies Corporation,
Rohtas.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sumeet Kumar Singh, Advocate
For the State	:	Mr. Parmeshwar Mehta, APP
For BSFC	:	Mr. Ranjan Kumar Srivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 27-05-2020 Heard Mr. Sumeet Kumar Singh, the learned counsel
appearing on behalf of the petitioner, Mr. Ranjan Kumar
Srivastava, the learned counsel for the BSFC as well as the learned
Additional P.P. for the State through video conferencing.

The petitioner seeks bail in Kargahar P.S. Case No.238
of 2018, giving rise to Special Case No.8129 of 2019, registered
under Sections 409, 406, 420, 120B and 34 of the Indian Penal
Code.

The gist of the allegation is that the petitioner and the
Manager of Dumra PACS purchased paddy worth Rs.27,51,250/-
and did not hand over the paddy to the miller. The petitioner
purchased 1775 quintals of paddy and the petitioner had to deliver
1189.25 quintals of rice to the SFC but no amount of rice was



supplied to the SFC. It is alleged that the petitioner being the Chairman of the PACS and the Manager of the PACS defalcated the entire amount amounting to Rs.27,51,250/-.

Mr. Sumeet Kumar Singh, the learned counsel for the petitioner submits that the petitioner is in jail since 20.08.2019. The Manager of Dumra PACS, namely, Chitranjan Kumar Bharti has already been granted bail vide order dated 18.09.2019, passed in Cr. Misc. No.40162 of 2019. The case of the petitioner stands on the same footing. It is further submitted that from perusal of Annexure-2, it would appear that when the money was not paid to the farmers, the petitioner being the Chairman of the PACS and other members of the Executive Committee of the PACS resolved to make payment of price of the paddy to the farmers after selling the paddy. The petitioner informed the Registrar, Co-operative Society on 22.05.2018 and only thereafter sold the paddy but it appears that the petitioner after purchasing paddy from the farmers issued receipts on the basis of which the farmers withdrew the amount from the Central Co-operative Bank immediately after purchase of paddy and issuance of such receipts by the Chairman of the PACS. The resolution as appears on the face of it to be a manufactured document in order to grab the huge amount. The statement of the Bank shows that the farmers on the basis of the receipts issued by the petitioner withdrew the amount from their



account after being transferred from the Central Co-operative Bank. Mr. Sumeet Kumar Singh, the learned counsel for the petitioner further submits that the petitioner is ready to deposit 50% of the total amount alleged to have been defalcated within four months from the date of his release from the custody.

On consideration of the fact that the petitioner is ready to deposit 50% of the total amount alleged to have been defalcated within four months from the date of his release from the custody and the fact that the petitioner is in jail fore more than nine months, petitioner, namely, Banarasi Singh is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Rohtas, Sasaram in connection with Kargahar P.S. Case No.238 of 2018, giving rise to Special Case No.8129 of 2019, subject to the condition that if the petitioner does not deposit half of the total amount alleged to have been defalcated within four months from the date of his release, the learned court below shall cancel the bail bond of the petitioner forthwith.

(Prabhat Kumar Jha, J)

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