

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74329 of 2019

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

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1. PAWAN KUMAR Son of Chandradeep Prasad Resident of Village - Chamarbigha, P.S.- Hilsa, District- Nalanda. (Executive Member of Redi Panchayat PACS)
 2. Niranjan Kumar Son of Bachchu Prasad Resident of Village - Chamarbigha, P.S.- Hilsa, District- Naland. (Executive Member of Redi Panchayat PACS)
 3. Abha Devi Wife of Ajay Singh Resident of Village - Redi, P.S.- Hilsa, District- Nalanda (Executive Member of Redi Panchayat PACS)
 4. Indu Devi Wife of Gopal Singh Resident of Village - Redi, P.S.- Hilsa, District- Nalanda (Executive Member of Redi Panchayat PACS)

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Managing Director, Bihar State Food and Civil Supply Corporation Ltd. Patna, Bihar
3. Upendra Prasad Son of Basdev Mahto Resident of Village and P.O.- Jamsari, P.S.- Bind, District- Nalanda. A/P Incharge Branch Manager Nalanda Central Co- Operative Bank Ltd. Branch, Hilsa

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh, Adv.
For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 06-02-2020 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the state.

The petitioners seek pre-arrest bail in connection with Hilsa P.S. Case No. 403 of 2019, registered under Sections 419, 420, 406, 120B and 34 of the Indian Penal Code.

The accusation is that in the financial year 2017-18, Vijay Shankar Paswan, President, and Nitish Kumar, Manager,



of Reri Panchayat Primary Agricultural Cooperative Credit Society got transfer Rs.26,32,164/- putting the signature on cheque through real time gross settlement (RTGS) from Nalanda Central Cooperative Bank Ltd, Hilsa, in Reri Panchayat Primary Agricultural Cooperative Credit Society from special cash credit Account No. 000415004000017 for purchasing the paddy and paid the money to the supplier of the paddy, but, till 30.06.2019 the said amount was not paid in the Bank, as such, Vijay Shankar Paswan, President, and Nitish Kumar, Manager, and seven others named in the first information report, including the petitioner, being the executive member of the Reri Panchayat Primary Agricultural Cooperative Credit Society misappropriated the said amount under conspiracy.

Submission is that in fact petitioners and seven others named in the first information report are members of the executive Committee of the Primary Agricultural Cooperative Credit Society and their responsibility is only to attend the meeting of the Primary Agricultural Cooperative Credit Society for major decision, but, disbursing the amount to the farmers is only of President and Manager of the Primary Agricultural Cooperative Credit Society, but, the petitioners being the executive member have falsely been implicated in this case.



Having regard to the facts and circumstances of the case, let the petitioners, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Hilsa P.S. Case No. 403 of 2019 shall be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Hilsa, Nalanda, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

Shamshad/-

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