

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84082 of 2019

Arising Out of PS. Case No.-21 Year-2017 Thana- GWALPARA District- Madhepura

GOVIND RAI Son of Subhash Rai Resident of Village- Karoti, P.S.-
Udakishunganj, District- Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 10-07-2020

Heard both sides through Video Conferencing.

The petitioner apprehends his arrest in Gwalpara P.S.
Case No.21 of 2017 registered under Sections 406, 409, 420,
467, 468, 120B and 34 of the Indian Penal Code.

The informant(Kailash Mehra), the Chairman of
PACS, Sarauni filed Complaint Case No.226 of 2016 on the
basis of which the present F.I.R. was registered. The informant
alleged in his complaint petition that there was an agreement
between the Chairman of PACS and Ravindra Rai, the
proprietor of Govind Rice Mill, Karoti on 09.02.2016 and in
pursuance of the aforesaid agreement, the informant handed
over 2399.99 quintals of paddy but the miller did not hand over
the C.M.R. to the B.S.F.C. and thereby the miller
misappropriated huge amount of paddy.

The learned counsel for the petitioner submits that
petitioner is brother of Ravindra Rai. From perusal of the entire
complaint petition, no specific allegation is made against the
petitioner. Only allegation against the petitioner is that when the



informant went to demand C.M.R., the petitioner is alleged to have misbehaved with the informant.

It appears from perusal of the F.I.R. itself that there was an agreement between the Chairman of the PACS and Ravindra Rai, the proprietor of Govind Rice Mill. The petitioner did not enter into any agreement for taking paddy and handing over C.M.R. to the B.S.F.C. No allegation of misappropriation is made against the petitioner.

Taking into consideration the facts aforesaid, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Shiv Kumar, learned J.M. 1st Class, Udakishunganj, Madhepura in connection with Gwalpara P.S. Case No.21 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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