

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.84548 of 2019**

Arising Out of PS. Case No.-1196 Year-2017 Thana- COMPLAINT CASE District- Banka

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RAKESH KUMAR RAY Son of Tripurari Ray, Owner of Mahadeo Industries  
Rice Mill, Resident of Village- Banka, P.S.- Chandan, District- Banka.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Rakesh Kumar Bachchu, Son of Basudeo Barnwal, Resident of Village-  
Chandan, P.S.- Chandan, District- Banka, At present President of PACS  
Chandan Panchayat, Block Chandan, District- Banka.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Brij Nandad Prasad, Adv.

For the Opposite Party/s : Mr.Parmeshwar Mehta, APP

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

3      18-06-2020                      Heard both sides through Video Conferencing.

The petitioner apprehends his arrest in Complaint  
Case No.C-1196 of 2017 for the offences allegedly committed  
by the petitioner under Section 409 of the Indian Penal Code.

The complainant is the Chairman of Chandan  
Panchayat PACS and alleged that he purchased some paddy and  
sent to the petitioner's mill but the petitioner (miller) did not  
deliver milled rice.

Learned counsel for the petitioner submits that prior  
to institution of the present complaint, the Cooperative Officer  
lodged the F.I.R. being Chandan P.S. Case No.158 of 2017  
against Rakesh Kumar Bachchu (Chairman of Chandan  
Panchayat PACS) alleging therein that he misappropriated huge  
amount of paddy. The complainant was sent to jail. When the



complainant came out from jail, he filed complaint case against the petitioner.

It appears from perusal of the record that prior to institution of the present complaint filed by the Chairman of Chandan Panchayat PACS, the Cooperative Officer lodged Chandan P.S. Case No.158 of 2017 for misappropriation of paddy against the complainant and when the complainant came out from jail, he lodged the present complaint case without any document that the miller received paddy and miller (the petitioner) did not deliver milled rice to the State Food Corporation.

Having considered the facts aforesaid, the petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, 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 learned Judicial Magistrate, 1<sup>st</sup> Class, Banka in connection with Complaint Case No.C-1196 of 2017, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

Harish/-

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**(Prabhat Kumar Jha, J)**

