

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18360 of 2021

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

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SRIKANT SHARMA @ SHREE KANT SHARMA Son of Baleshwar Thakur
Resident of Village - Balwapar, P.S. - Hilsa, District - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Managing Director, Bihar State Food and Civil Supply Corporation,
Ltd. Patna, Bihar. Bihar
3. Upendra Prasad Son of Basudev Mahto Resident of Village and Post -
Jamsari, P.S. - Bind, District - Nalanda, At present , the In-charge Branch
Manager, Central Co-operative Bank Ltd. Hilsa, Nalanda.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shyamal Prakash
For the Opposite Party/s : Mr. A.G

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 14-12-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is expected to
honour his undertaking to remove the defects, as pointed out by
the office, when called upon to do so by the office.

The petitioner is/are apprehending his/their arrest in
connection with Hilsa P.S. Case No. 403 of 2019 for the offence
registered under Sections 419, 420, 406 and 120(b)/34 of the
Indian Penal Code.

The accusation is that in the financial year 2017-
2018 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.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in connection with the present case. It is further submitted that the amount in question had been paid through cheque that it said to be signed jointly by the President and Manager of the said PACS and, as such, the petitioner has no role in withdrawing the money at all. It is further submitted that the petitioner has no criminal antecedent.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his/their



arrest/surrender before the court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Hilsa, Nalanda in connection with Hilsa P.S. Case No. 403 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Sunil Kumar Panwar, J)

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