

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22602 of 2021**

Arising Out of PS. Case No.-349 Year-2016 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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RAVINDRA RAY @ RABINDRA RAI SON OF SUBHASH RAI,
PROPRIETOR GOVIND RICE MILL, KARAUTI BAZAR, RESIDENT OF
VILLAGE AND P.O.- KARATI BAZAR, POLICE STATION
UDAKISHUNGANJ, DISTRICT- MADHEPURA

... .. Petitioner

Versus

1. The State of Bihar
2. SHAMBHUNATH THAKUR SON OF LATE SHIVNANDAN THAKUR
CHAIRMAN LASKARI PACS , RESIDENT OF VILLAGE AND P.O.-
LASKARI P.S. UDAKISHUNGANJ, DIST.- MADHEPURA

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-08-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Complaint Case No. 349 of 2016 registered for

the offences punishable under Section 406 of the Indian Penal

Code.

Learned counsel for the petitioner submits that as per

allegations in the F.I.R. the petitioner had received 3839.23 quintals of paddy from the informant who is PACS Chairman. As against the total supply the petitioner granted receipt of only 3226.90 quintals of paddy and as such he did not acknowledge receipt of 612.33 quintals. It is further alleged that the petitioner has misappropriated a huge quantity of paddy and the total price of paddy for which no C.M.R. was supplied comes to Rs. 19,82,850.30 which is due to the farmers. The allegation is that of a cheating of total amount of Rs. 28,35,340.30 which includes certain amounts paid to the petitioner on account of milling.

Learned counsel for the petitioner submits that though the petitioner was granted privilege of anticipatory bail by a learned co-ordinate Bench of this Court in Cr. Misc. 61474 of 2018 on the condition that the petitioner shall be released on provisional bail on the conditions inter-alia that he will deposit a sum of Rs. 19,71,955/- in six equal monthly installments each before the end of each successive month commencing from February, 2019 in the relevant bank account of the concerned PACS, he failed to do so as a result whereof he was arrested and is in custody since 25.06.2020.

Learned A.P.P. for the State submits that a perusal of

the order passed by a learned co-ordinate Bench would show that the petitioner had expressed his readiness to deposit the said amount in the complainant's-PACS account but after obtaining the order on 21.02.2019, the petitioner did not comply with the same. He did not surrender for a long time and came into custody only with effect from 25.06.2020. It is submitted that in fact before this Court once again learned counsel for the petitioner does not dispute that the petitioner has not given the complete C.M.R. The value of the same has not been disputed before this Court, if this is the position then petitioner does not deserve privilege of bail.

Considering the facts and circumstances of the case, in the nature of materials brought to the notice of this Court as discussed hereinabove and on finding that the allegation against the petitioner is that of misappropriation of huge amount of public money, this Court is not inclined to release the petitioner on bail. Prayer for bail is thus refused. Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.