

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1822 of 2021

Arising Out of PS. Case No.-215 Year-2020 Thana- OBRA District- Aurangabad

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SANTOSH KUMAR, SON OF LATE RAJENDRA SINGH @ RAJENDRA
@ RAJENDRA SHARMA RESIDENT OF VILLAGE - KHUDWA, P.S. -
KHUDWA, DISTRICT - AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Udbhav

For the Opposite Party/s : Ms. Rina Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 03-09-2021 Heard Mr. Ajay Kumar Thakur, learned

advocate for the petitioner and Ms. Rina Sinha, learned

APP for the State.

The petitioner seeks bail in anticipation of his

arrest in connection with Obra P. S. Case No. 215 of

2020, dated 10.08.2020, instituted for the offences

under Sections 409, 420, 353 and 34 of the Indian



Penal Code.

The petitioner at the relevant time was an Assistant Manager of Khudwan PACS. The accusation in the F.I.R. is that the government under the paddy procurement scheme had given money to the PACS for procurement of paddy to have it milled and deposit the rice (CMR) with the BSFC. The loan also had to be returned.

Nothing of that kind has been done. Hence, the prosecution.

The learned advocate for the petitioner has submitted that with respect to the non-deposit of the Custom Milled Rice (CMR) after procuring the paddy, a separate case has been registered by the Block Extension Officer, Obra against the Chairman of the Khudwan PACS, namely, Mr. Manish Kumar (Khudwan P. S. Case No. 31 of 2016, dated 03.08.2016).

It is worth noting, it has been argued, that the petitioner was not made an accused in that case.



It has further been submitted that the PACS is run by the elected members of the Co-operative Society and there may have been some mis-match in the deposit of the milled rice and the procured paddy but the responsibility cannot exclusively be saddled on the petitioner.

There is no accusation so far as the petitioner is concerned with respect to the offences under Sections 409, 420 or 353 of the Indian Penal Code.

For the reasons afore-stated, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Aurangabad, in connection with Obra P. S. Case No. 215 of 2020, subject to the conditions as laid down



under Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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