

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1580 of 2021**

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

RABINDRA RAI @ RAVINDRA RAY Son of Subhash Rai Resident of
Village - Kaoti, P.s.- Udakishunganj, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Jha, Advocate.
For the Opposite Party No.2 : Mr. Shashi Bhushan Kumar, Advocate.
For the State : Mr. Bisheshwar Ram, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

5 25-06-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual Court proceedings.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 408, 409, 420, 467, 468,
120B & 134 of the Indian Penal Code.

The petitioner is said to have failed to supply the
rice in lieu of paddy received from the farmers and tried to
devour Rs.16,14,111.00 of the PACS.

It is submitted by learned counsel for the petitioner
that no such occurrence as alleged ever took place. He is quite
innocent and has been falsely implicated in this case due to dirty
politics. As a matter of fact, there was an agreement between
petitioner and informant and if petitioner has committed any



breach of the agreement then the Chairman of the PACS should have filed civil suit before the competent Court and a certificate case for recovery of the alleged rice but instead of that he filed the complaint petition against the petitioner. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has been languishing in custody since 20.06.2020.

The petitioner undertakes to deposit the alleged amount of Rs.16,14,111.00 (Rupees Sixteen Lakhs Fourteen Thousand One Hundred and Eleven) in four equal installments within eight months. Meaning thereby, He will deposit his first installment amounting to Rs.4,03,527.75/- in the first week of August, 2021 after his release and thereafter the same amount will be paid by him as second installment in the month of October, 2021 and so on.

A counter affidavit has been filed on behalf of opposite party no.2, which is on record.

Mr. Shashi Bhushan Kumar, learned counsel for the opposite party no.2 vehemently opposing the bail petition submitted that the petitioner has taken paddy from the several PACS and not returned the proportionate quantity of rice to the PACS. He further submitted that the petitioner has played fraud



with the learned District Judge, Madhepura annexing receipt of the deposit of the rest quantity of rice to PACS and when the same receipts were verified by District Magistrate, Madhepura the same were found fake. Hence, the petitioner does not deserve bail.

Considering the fact that the petitioner is ready to deposit alleged amount of Rs.16,14,111.00 (Rupees Sixteen Lakhs Fourteen Thousand One Hundred and Eleven) in four equal installments within eight months, as undertaking given by him, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Gwalpara P.S. Case No.21/2017, subject to the condition that one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

The petitioner is directed to deposit his first installment in first week of August, 2021 and, thereafter, as per his undertaking, in the learned Court below and the learned



Court below is directed to transmit the said amount in the account of Sarouni, PACS.

It is made clear that if the petitioner fails to deposit the aforesaid amount as per his undertaking within the stipulated period, as aforesaid, the learned Court below will be at liberty to cancel the bail bond of the petitioner.

Accordingly, this bail application is allowed.

(Anjani Kumar Sharan, J)

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