

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28426 of 2022

Arising Out of PS. Case No.-61 Year-2019 Thana- PIPRA District- East Champaran

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JAI PRAKASH SINGH Son of Late Narayan Singh @ Sri Narayan Singh
Resident of Village - Chintamanpur, P.S. - Pipra, District - East Champaran.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Advocate

For the Opposite Party/s : Mr.Jitender Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under Sections 406, 409, 420 of
the IPC in connection with Pipra P.S. Case No. 61 of 2019.

As per the prosecution story, BISCOMAUN sells
fertilizer to the farmers through the Farmer Service Centre. It is
the case in hand that Area Officer, Dayanidhi Choubey misusing
his position, supplied D.A.P. (20 MT) and A.P.S. (20 MT) on
26.12.2017 on credit to the petitioner, who is a PACS Chairman
for which no payment was made. It is further alleged that both
connived and prepared those supply order in favour of M/s
Kushwaha Traders and the allegation is that the petitioner



signed the papers and received the fertilizers. However, the owner of the Kushwaha Traders, Mr. Shankar Prasad Kushwaha, on enquiry, informed that neither he has demanded nor received the said fertilizer.

As per the further prosecution story, the petitioner had issued a cheque of Rs. 8,17,200/- vide cheque No. 169848 on 22.2.2018 which bounced and thereafter the present FIR was lodged.

Learned counsel for the petitioner submits that as per the instruction of the 'Pairvikar', without accepting the allegation made in the FIR, for the present, the petitioner is ready to pay Rs. 4 lac through Demand Draft issued by the State Bank of India, local branch before the Trial Court to be released in favour of the concerned authority of 'BISCOMAUN' after checking their identity.

So far as rest of the amount of Rs. 4,17,200/- is concerned, it is his submission that the petitioner will pay it within a period of three months from the date of his release, if any, through the Demand Draft issued by the State Bank of India which again will be submitted to the learned Trial Court to be released in favour of the concerned authority of the 'BISCOMAUN'.



Coming to the case in hand, learned counsel for the petitioner submits that it is the political rivalry which has led his implication in this case. It is the further submission of the counsel for the petitioner that the ingredients of N.I. Act was missing in the present case and despite the said fact, the petitioner is in custody since 14.3.2022.

Taking into account the aforesaid submission of the learned counsel for the petitioner as also the positive attitude on the part of the petitioner, this Court is inclined to grant him the privilege of bail subject to payment of Rs. 4 lac issued by State Bank of India local branch by demand draft to be submitted at the time of his release before the trial Court. He will be further duty bound to make payment of Rs. 4,17,200/- within next three months from the date of his release before the Trial Court vide demand draft issued by the State Bank of India local branch and failure to do so will entail immediate cancellation of his bail bond by the learned Trial Court.

Let the petitioner be released on bail on furnishing bail bond of Rs. 50,000/- (Fifty thousand) with two sureties of like amount each to the satisfaction of learned J.M. -1st Class, East Champaran, Motihari, in connection with Pipra P.S. Case No. 61 of 2019 subject to the following conditions:



(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/Ajay Singh

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