

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7255 of 2021**

Arising Out of PS. Case No.-222 Year-2019 Thana- TEKARI District- Gaya

1. Dilip Kumar Son Of Rajendra Singh Resident Of Village- Tepas, P.S.- Tekari, And District- Gaya.
2. Pankaj Kumar Son Of Uday Narayan Singh Resident Of Village- Tepas, P.S.- Tekari, And District- Gaya.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 13907 of 2021

Arising Out of PS. Case No.-222 Year-2019 Thana- TEKARI District- Gaya

1. Balmukund @ Balmukund Kumar Son Of Yamuna Sharma Resident Of Village - Tepas, Police Station - Tekari And District - Gaya.
2. Birendra Kumar Son Of Raja Prasad Resident Of Village - Tepas, Police Station - Tekari And District - Gaya.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 7255 of 2021)

For the Petitioner/s : Mr. Manish Kumar No. 2, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

(In CRIMINAL MISCELLANEOUS No. 13907 of 2021)

For the Petitioner/s : Mr. Manish Kumar No. 2, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 02-02-2022 Learned counsel for the petitioners undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners in both the applications, Mr. Ram Sevak Choudhary, learned APP for the State in Cr. Misc. No. 7255 of 2021 and Mr. Suresh Prasad Singh, learned



APP for the State in Cr. Misc. No. 13907 of 2021.

These petitioners in both the applications are seeking pre-arrest bail in connection with Tekari P.S. Case No. 222 of 2019 registered for the offences punishable under Sections 409, 420, 467, 468 and 120(B) of the Indian Penal Code.

Learned counsel for the petitioners submits that the first information report has been lodged by the Block Cooperative Officer, Tekari at the instance of the Block Development Officer, Tekari who has in turn been directed to do so by the Deputy Development Commissioner, Gaya (in short 'DDC'). The allegation against these petitioners are that they sold their paddy crops to the PACS, received money on account of the same and the same amount was returned in the account of the PACS Chairman Ram Iqbal Sharma. It is, thus, alleged that they are the parties to the illegal purchase of paddy crops by the PACS Chairman.

Learned counsel for the petitioners submits that the allegations against these petitioners are completely false, fabricated and baseless. It is submitted that the inquiry conducted by the DDC after the first order of this Court as contained in letter no. 13 dated 10th January, 2022 has not found anything adverse as regards the land being cultivated by the petitioners. Submission is that in course of inquiry, evidences were produced on behalf of the petitioners to show that these petitioners are having sufficient land and they are harvesting the given quantity of paddy crops. It is pointed out that prior to lodging of the present FIR, in fact, the DDC had recorded in one of his report



dated 03.03.2018 that once the amount against the sale of paddy crops are transferred to the farmers, it is for them to deal with the same and it cannot be a subject matter of inquiry that to whom the farmer has given the amount. A copy of this report of the DDC, Gaya is addressed to the Secretary to the Commissioner, Magadh Division, Gaya. In the said report, he has specifically stated that the allegations made by the complainant Shri Dheeraj Sharma is far away from the truth.

Learned counsel submits that the complainant Dheeraj Sharma who is behind this complaint had contested the election for the PACS Chairman and had lost, thereafter he has taken all efforts to harass these petitioners who have not supported him.

In support of their contention, the petitioners in Cr. Misc. No. 7255 of 2021 have brought on record a supplementary affidavit enclosing therewith a copy of the passbook to show that no amount has been transferred in the account of Ram Iqbal Sharma. It is further submitted that as per another letter bearing no. 794 dated 19.03.2018 of the DDC, these petitioners had withdrawn the amount which came in their account but even he did not find that these petitioners had transferred any amount in the account of Ram Iqbal Sharma.

By way of last submission, it is placed before this Court that Ram Iqbal Sharma who happened to be the PACS Chairman has been granted privilege of anticipatory bail by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 33573 of 2020. Another co-



accused namely Uday Narayan Singh has also been granted anticipatory bail by a learned Co-ordinate Bench of this Court.

Mr. Ram Sevak Chaudhary and Mr. Suresh Prasad Singh, learned APP for the State have opposed the prayer for anticipatory bail of the petitioners. It is submitted that the PACS Chairman in the State are getting involved in this kind of purchases, however, it is not controverted that in the relevant year to which this case relates, there was no ceiling on the purchase of the quantity of paddy from the farmers and it is not controverted that these petitioners are having sufficient land from which the quantity of paddy crops which they have supplied may be harvested.

In the given facts and circumstances, finding that no cogent material has been brought against these petitioners despite opportunities given to the State to show that either the petitioners were not having sufficient land to earn so much of crops which they have supplied to the PACS or that these petitioners had transferred any amount in the account of PACS Chairman, further taking note of the fact that the PACS Chairman and one similarly situated farmer have already been granted privilege of anticipatory bail, this Court directs that in case of their arrest or surrender within four weeks from today let the petitioners in both the applications be released on bail on furnishing of bail bond of Rs.25,000/- (Rupees Twenty Five Thousand/-) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Gaya



in connection with Tekari P.S. Case No. 222 of 2019, subject to the conditions as laid down under Section 438(2) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

Both the applications stand allowed.

(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'.

