

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.41474 of 2021**

Arising Out of PS. Case No.-208 Year-2018 Thana- SHIVSAGAR District- Rohtas

Rameshwar Kumar Singh S/O Rajvansh Singh R/O Village- Raipur Chor,  
P.S.- Shivsagar Baddi, District- Rohtas (Sasaram)

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Block Cooperative Extension Officer, Block Shiv Sagar, District-  
Rohtas (Sasaram) Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sumeet Kumar Singh

For the Opposite Party/s : Mr. Md. Matloob Rab ,APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      07-06-2022                      Let the defects, if any, be removed within four weeks  
from today.

Heard Mr. Sumeet Kumar Singh, learned counsel for  
the petitioners as well as Md. Matloob Rab, learned Additional  
Public Prosecutor for the State.

The petitioner apprehends his arrest in connection  
with Shivsagar Baddi P.S.Case No. 208 of 2018 registered for  
the offences punishable under Sections 409,420/34 of the Indian  
Penal Code.

As per prosecution case, it is alleged that in Kharif  
marketing season 2017-18, Raipur Chaur PACS was supplied  
2027 quintal of paddy and as per the guidelines the PACS was



under obligation to return the proportionate CMR ( custom milled rice) .It is further alleged that despite repeated request the said PACS did not return any CMR to the SFC and misappropriated the entire CMR amounting to Rs.31,72,850/-.

At the outset, learned counsel for the petitioner submits at the bar that as per his information till date the process under Sections 82/83 of the Cr.P.C have not been issued.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner happens to be manager of the said PACS and his role is limited to the extent of supervision of the activities of PACS and all the decisions are being taken at the level of the Chairman of the PACS. It is further submitted that though the paddy has been received from the farmers and they have been paid for the same and whereupon the said paddy have been supplied to the millers but by one reason or others, the Millers did not return the CMR, due to which the PACS was unable to send the CMR to the SFC Godown, which resultant into lodging of the present FIR without verifying the true facts of the case. It is lastly submitted that Chairman of Raipur Chaur PACS, who has also been implicated in the present case has already been granted bail by a co-ordinate Bench of this Hon'ble Court in Cr. Misc. No.



34381 of 2021 vide order dated 23.05.2022, a copy of which has been produced before this Court and the same is kept on record. It is fairly submitted that Chairman of the said PACS has been allowed bail subject to deposit of an amount of Rs. 6 lacs in the court below and the petitioner being Manager of the PACS is also ready to deposit the 10% of the total alleged defalcated amount.

On the other hand, learned APP for the State opposes the bail application of the petitioners and submits that it is case of defalcation of public exchequer by the Manager of the PACS.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that petitioner is working as a Manager of the PACS and he is not a decision making authority apart from the fact the Chairman of the PACS has already been granted bail by a co-ordinate Bench of this Court and further the petitioner is ready to deposit an amount of Rs. 3,50,000/- in the court below, let the petitioner above named, be released on bail, in the event of his arrest or surrender before the court below within eight weeks from today, subject to deposit of Rs. 3,50,000/- which would be subject to final outcome of the case, and on doing so, he shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten



thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Rohtas, Sasaram in connection with Shivsagar Baddi P.S. Case No. 208 of 2018 subject to the conditions as laid down under Section 438(2) of the code of Criminal Procedure with the following conditions:-

(I) One of the bailors should be the close relatives of the petitioner.

(ii) The petitioner will cooperate in the investigation as well as in conclusion of the trial.

(iii) He will not try to tamper with the evidence or intimidate the witnesses in course of investigation or during the course of trial.

**(Harish Kumar, J.)**

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