

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67331 of 2021

Arising Out of PS. Case No.-137 Year-2018 Thana- AMAS District- Gaya

SHANKAR DAYAL SINGH Son of Late Ram Jatan Singh Resident of
village - Chhotka Bahera, P.S.- Amas, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Prasad Singh, Adv.

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 31-03-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 420, 409 and 120B of the of the Indian Penal Code.

As per the prosecution case, the petitioner being the President of the PACS purchased 3627 quintals of paddy from 36 farmers but did not deposit 1612 quintals of paddy which as per allegation was sold in the open market. Thus it is stated that the petitioner defalcated an amount of Rs.24,98,600/-

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. Referring to the supplementary affidavit filed in the case and in



reference to the order dated 15.11.2021 passed in CWJC no.6927 of 2020 it is submitted that a proceeding under the Public Demand Recovery Act has also been started for recovery of the amount of Rs. 26,22,382.50. However, inspite of the petitioner having filed an objection under section 7 of the PDR Act, without deciding the same warrant of arrest was issued which on being challenged by the petitioner in the said writ application, the Division Bench of this Court directed the District Certificate Officer, Gaya to first consider and decide the objection filed by the petitioner by a reasoned speaking order and only thereafter he can take coercive steps for realization of the amount. It is further submitted that the petitioner is in custody since 23.8.2021 and chargesheet has been submitted in the case.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the petitioner having filed an objection in the proceeding under the PDR Act, chargesheet having been submitted in the case and the petitioner having remained in custody for over 7 months, the Court directs the petitioner to be enlarged on bail in connection with Amas P.S. Case no. 137 of 2018 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with



two sureties of the like amount each to the satisfaction of the learned
Judicial Magistrate 1st Class, Sherghati, Gaya.

(Partha Sarthy, J)

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