

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2505 of 2022**

Arising Out of PS. Case No.-282 Year-2018 Thana- SURYAGARHA District- Lakhisarai

VIJAY KUMAR SINGH @ VIJAY KUMAR Son of Late Sukho Singh @
Late Sukhdeo Singh Resident of Village - Rampur P.S. - Suryagarha, District -
Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Advocate

For the Opposite Party/s : Mr.Parmeshwar Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 31-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Suryagarha P.S. Case No. 282 of 2018 registered for the offence
under Section 409 of the I.P.C.

The accused/petitioner is named in the F.I.R. and is in
custody since 16.02.2021.

The allegation against the petitioner, who is the
chairman of the PACCS, that the paddy purchase from local
farmers was not deposited to SFC after getting it from rice
millers. It is further alleged that total of 1450 quintal of paddy



equivalent to CMR 958.10, out of which 277 quintal of CMR was only deposited, causing a loss of 681.10 quintal CMR.

Learned counsel appearing on behalf of the petitioner submitted that for present transaction, four different cases were lodged against this petitioner. It is submitted that informant admitted through its written complaint which is the basis of Lakhisarai P.S. Case No. 436 of 2017, that miller received entire paddy as purchased by this petitioner in capacity of PACCS chairman from different farmers of the locality. It is also submitted that one of the partner of the rice miller duly acknowledged (page-37, Annexure-P2, of present bail petition) through letter dated 01.04.2017 to receive entire 1430 quintal of paddy, which could not deposited, as petitioner was arrested in connection with Suryagrah P.S. Case No. 183 of 2015. While concluding the argument, it has been submitted that the antecedent of petitioner arises from same transaction and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel appearing on behalf of informant of the bank while opposing the prayer of bail, fairly conceded that the promissory note of



petitioner in capacity of PACCS chairman is available with bank.

Considering the facts and circumstances as mentioned above, as the documents discussed above suggest, *prima facie*, that entire quantity of collected paddy deposited with millers by this petitioner, let the petitioner, above named, is directed to be released on bail in connection with Suryagarha P.S. Case No. 282 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 Learned Judicial Magistrate-1st Class, Lakhisarai/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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