

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9375 of 2023

Arising Out of PS. Case No.-162 Year-2020 Thana- DHAMDAHA District- Purnia

1. ANITA DEVI Wife of Suresh Kumar Marandi Resident of Village - Shish Tola Basdaha, P.S.- Dhamdaha, District - Purnia.
2. Chinta Devi Wife of Sat Narayan Mahto Resident of village - Lakashmipur Basdaha, P.S.- Dhamdaha, District - Purnia.
3. Gita Devi Wife of Shiv Nandan Mahto Resident of Village - Basdaha, P.S.- Dhamdaha, District - Purnia.
4. Ajay Kumar @ Ajay Kumar Mahto Son of Magan Mahto Resident of Village - Basdaha, P.S.- Dhamdaha, District - Purnia.
5. Rakesh Kumar Son of Adhik Lal Mahto Resident of village - Basdaha, P.S.- Dhamdaha, District - Purnia

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Shreenandan Pd. Singh, Sr. Advocate Mr.Kumar Sameer, Advocate Mr.Atul Prakash, Advocate
For the Opposite Party/s :		Mr.Md.Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-05-2023 Heard Mr. Shreenandan Pd. Singh, learned senior counsel assisted by Mr. Kumar Sameer, learned Advocate for the petitioners and Mr. Md. Fahimuddin, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Dhamdaha P.S. Case No. 162 of 2020 registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code. They have got no criminal antecedent.



Learned senior counsel for the petitioners submits that these petitioners are members of Bardela PACs in Dhamdaha Prakhand. The Bardela PACs purchased total paddy of 2,418 quintal out of which 540 quintal were supplied and in course of physical verification only 10 quintal of paddy was found in the godown of the petitioners. The price of the paddy which was found shortage in the godown is Rs. 30,13,600/-.

Learned senior counsel for the petitioners further submits that in the FIR it is stated that they are members of the Managing Committee of Bardela PACs but the entire business is done by the Chairman and Secretary of the Bardela PACs. It is the contention that the members of the Managing Committee has nothing to do with either sale or purchase of the paddy, hence, the petitioners deserve privilege of anticipatory bail. As the hearing of the case progressed, learned senior counsel took a stand that these petitioners are not members of the Managing Committee rather they are ordinary members of the Bardela PACs like any other farmer.

Mr. Fahimuddin, learned APP for the State submits that the petitioners are, as per the FIR, members of the Managing Committee, hence, they are liable for the affairs of the Bardela PACs, their role in the matter of misappropriation of the paddy is



under investigation, hence, they do not deserve the privilege of pre-arrest bail.

Having regard to the facts and circumstances of the case, this Court finds from the FIR that these petitioners are said to be the members of the Managing Committee, if it is so, in the opinion of this Court, considering the magnitude of the amount of misappropriation they do not deserve the privilege of anticipatory bail, however, considering the submissions of learned senior counsel for the petitioners that they are ordinary members and not members of the Managing Committee, this Court grants liberty to the petitioners to surrender in the lower court below within a period of four weeks from today and pray for regular bail. If the petitioners file an application for regular bail after prior service of copy on the informant and demonstrate in the learned court below with plausible materials that they are not members of the Managing Committee and are only ordinary members of the Bardela PACs, the court below shall consider the same in its right perspective and dispose of the application of the petitioners on the same date.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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