

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.22148 of 2023**

Arising Out of PS. Case No.-476 Year-2017 Thana- BHABHUA District- Kaimur (Bhabua)

SANTOSH PRASAD SON OF LATE BABAN PRASAD RESIDENT OF  
VILLAGE- NAUHATTA, PS- BELAON, DISTT- KAIMUR(BHABHUA)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                        |
|--------------------------|---|--------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Y.C. Verma, Sr. Adv.<br>Mr. Satyendra Pandey, Adv. |
| For the Opposite Party/s | : | Mr. Parmeshwar Mehta, APP                              |

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

2      18-05-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Bhabua P.S. Case no.476 of 2017 registered under sections 420, 467, 468 and 471 of the Indian Penal Code.

3. As per the prosecution case, the petitioner who was the Chairman of the PAACS did not deposit the amount equivalent to value of 1205.33 quintals of rice. As such the F.I.R.

4. Learned senior counsel appearing for the petitioner submits that the petitioner has been falsely implicated in the case. No loss has been caused to the State Authorities. Referring to the letter contained in Memo no.1772 dated 18.6.2020



(Annexure-2) of the District Cooperative Officer, Kaimur, Bhabua to the Assistant Registrar, Cooperative Society, Bihar, Patna, learned senior counsel submits that the entire amount of Rs.88,19,500/ with respect to the rice given to the petitioner for the year 2016-17 has been deposited by the petitioner as stated in the said letter. It is further submitted that the petitioner is in custody since 23.12.2022 and the evidence on behalf of the prosecution is mainly documentary in nature. It is lastly submitted that investigation having concluded, chargesheet has been submitted in the case.

5. The application for bail is opposed by learned A.P.P. for the State who submits that inspite of the rejection of the prayer for anticipatory bail of the petitioner by this Court as also by the Hon'ble Supreme Court vide order dated 19.7.2019 passed in SLP (Cr.) no.4096 of 2018 directing the petitioner to surrender before the learned trial Court within two weeks ie by 2.8.2019, the petitioner continued to abscond till he was taken on remand in the instant case on 23.12.2022. It is further submitted that it is probably for this reason that the order of the Hon'ble Supreme Court has also not been brought on record by the petitioner.

6. Having heard learned counsel for the parties and



taking into consideration the nature of allegation, the petitioner not having surrendered in time as directed by the Hon’ble Apex Court and having continued to abscond for more than three years, this Court is not inclined to enlarge the petitioner on bail and the application is rejected.

**(Partha Sarthy, J)**

Saurabh/-

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