

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55241 of 2023

Arising Out of PS. Case No.-207 Year-2019 Thana- KATRA District- Muzaffarpur

Lakshmeshwar Singh Son of Awadh Singh R/O Vill- Sonepur Tole Siswara,
PS- Kanti, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-09-2023 Heard Mr. Sunil Kumar Pandey, learned counsel for
the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Katra P.S. Case No. 207 of 2019 registered for the offences punishable under Sections 409 and 420/34 of the Indian Penal Code.

3. It is alleged that the government funds were made available to the Central Cooperative Bank, Muzaffarpur through Bihar State Cooperative Bank, Patna under the scheme for procurement of paddy on M.S.P. for the year 2014-15. The petitioner, who happens to be the Executive of PACS along with the Chairman were authorized to make payment to farmers against procurement of paddy but the same was not disbursed



properly and was misused.

4. Learned counsel for the petitioner submits that the petitioner is only an Executive Member of the PACS and the entire responsibility for disbursement of funds is of the Chairman of the PACS and moreover, having realized this fact, the Chairman of the PACS has already deposited the differential amount as claimed in the FIR and No Objection Certificate has also been issued by the concerned Cooperative Bank. He further submits that taking into consideration the aforesaid facts, the learned Coordinate Bench of this Court has already been allowed the privilege of anticipatory bail to the Chairman of the PACS in Cr. Misc. No. 46051 of 2021 vide order dated 15.04.2022. He next submits that the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the trial or in the proceedings of the Court. While concluding his arguments, he lastly submits that certainly, delay has occurred in approaching this Court for seeking bail but the same was not intentional, rather due to ill health of the petitioner.

5. On the other hand, learned counsel for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that differential



amount as alleged in the FIR has already been defrayed by the Chairman of the PACS, who was the responsible authority of disbursement of the fund and she has been allowed the privilege of pre-arrest bail, coupled with the fair antecedent of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Muzaffarpur in connection with Katra P.S. Case No. 207 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with a further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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