

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56296 of 2022

Arising Out of PS. Case No.-124 Year-2018 Thana- CHAND District- Kaimur (Bhabua)

1. KRISHNA KANT SINGH S/o Late Dina Nath Singh R/V- Sihoriyan, P.S.- Chand, Distt- Kaimur(Bhabua).
2. PARAS NATH SINGH S/o Late Harihar Singh @ LATE HARIDWAR SINGH R/V- Sihoriyan, P.S.- Chand, Distt- Kaimur(Bhabua).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Rajesh Kumar Mishra, Adv.
For the Opposite Party/s :	Mr.Parmeshwar Mehta, APP.
	Mr. Chandra Mohan Jha, Adv.
	Mr. Rakesh Kumar Mishra, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 16-08-2023 Heard the parties.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 409, 420, 406, 384, 387, 504, 506, 120 (B) of the Indian Penal Code.

3. Allegedly, the petitioners being the President and the Manager of PACs entered into an agreement and received customed milled rice amounting Rs. 49,00,000/- and odd but did not supply paddy in turn of the rice supplied by the informant and thereby, the petitioners misappropriated the amount of Rs. 49,00,000/- and odd.

4. It is submitted by learned counsel for the petitioners



that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. The paddy in question has already been supplied by the petitioners to the informant. It is further submitted that after the investigation, the police has submitted charge sheet against the petitioners. He further submitted that the petitioners are enjoying the privilege of Section 41-A of the Cr.P.C granted by the police. He further submits that the informant has filed Money suit before the learned Court below vide Money Suit No. 11 of 2020 for the alleged due amount as claimed in FIR, which is also mentioned in Para 5 of Supplementary Affidavit. Petitioners have two criminal antecedents as mentioned in para-3 of this application.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail and submitted that there is specific allegation against the petitioners that they misappropriated a huge amount of Rs. 49,00,000/-.

6. Having regard to the facts and circumstances of the case and considering the arguments of the parties, as from



perusal of record, it is evident that money suit has already been filed by opposite party no.2, the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Chand P.S. Case No. 124 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

divyanshi/-

U		T	
---	--	---	--

