

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63086 of 2022

Arising Out of PS. Case No.-121 Year-2017 Thana- AURAI District- Muzaffarpur

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Dhiraj Kumar Son of Devnandan Ray R/O Village- Bhalura Dih, P.S.- Aurai,
District- Muzaffarpur, State- Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Nachiketa Jha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 20-02-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Aurai P.S. Case No. 121 of 2017 registered for the offences punishable under Sections 406, 420 and 409 of the Indian Penal Code.

As per the prosecution, the informant alleged that they have found misappropriation of 604 quintals of paddy kept at the alleged place on conducting physical verification at the godown of PACS.

The main submissions advanced by Mr. Nachiketa Jha,

learned counsel for the petitioner are that the petitioner was Chairman of 'Bhalura PACS' when the alleged occurrence is stated to have taken place and as per the FIR, he did not deposit the CMR against 604 quintal paddy which was supplied to his rice mill for milling the same but the said allegation is completely false and in this regard, by way of supplementary affidavit, the petitioner has filed purchase-cum-payment voucher for advanced CMR which clearly shows that the quantity of paddy equivalent to CMR deposited by 'Bhalura PACS' is 603.9849 and the petitioner has fair and clean antecedent and has been languishing in jail since 13.09.2022 and the investigation has been completed against him.

Though Mr. Parmeshwar Mehta, learned APP for the State has opposed the bail prayer but fairly accepted that the petitioner has deposited the CMR as per the quantity of paddy which was supplied to him for milling.

In view of the facts, as stated above, and mainly petitioner's plea as to deposition of the CMR by him against the alleged quantity which has been accepted by learned APP for the State and also taking into account the petitioner's fair and clean antecedent and his custody period, this Court is inclined to accept his bail prayer. Accordingly, let the petitioner named

above be enlarged on bail on furnishing bail bond of Rs.
10,000/- (Ten Thousand) with two sureties of the like amount
each to the satisfaction of concerned Court in connection with
Aurai P.S. Case No. 121 of 2017.

(Shailendra Singh, J)

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