

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12392 of 2024

Arising Out of PS. Case No.-311 Year-2023 Thana- BAJPATTI District- Sitamarhi

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1. RAJEEV KUMAR SINGH S/O- BHUSHAN KISHOR SINGH R/O- VILLAGE- WAJITPUR WARD NO.- 9, P.S.- BAJPATTI, DIST.- SITAMARHI
 2. MANISH KUMAR S/O- MADHESHWAR CHAUDHARY R/O- VILLAGE- SHANKARPUR WARD NO.- 4, P.S.- SURSAND, DIST.- SITAMARHI.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR, PATNA.
2. THE DISTRICT COOPERATIVE OFFICER SITAMARHI, DIST.- SITAMARHI, BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar, Advocate
For the Opposite Party/s : Mr.Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 14-03-2024 1. Heard learned Counsel for the petitioners and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Bajpatti PS case no. 311 of 2023, disclosing offences punishable under Sections 409, 420, 120-B of the Indian Penal Code.
3. The Co-operative Extension Officer, Bajpatti has lodged a First Information Report on 22.10.2023 alleging that petitioners being the PACS Chairman and PACS Manager have misappropriated 2697.7 quintals of paddy and thereby,



defalcated the government money to the tune of Rs. 5569449.55.

4. Learned Counsel for the petitioners submits that a certificate case has been lodged for recovery of the aforesaid amount of Rs. 5569449.55 against the petitioners and petitioners have received a notice, however, at the outset, learned counsel submits that the petitioners are ready to refund the aforesaid sum of Rs. 5569449.55 to the State Exchequer within a maximum period of 09 months in equal instalments.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the admission of the petitioners regarding refund of a sum of Rs. 5569449.55 in 09 equal monthly instalments, let the petitioners be released on provisional bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st class, Pupri, Sitamarhi, in connection with Bajpatti PS case no. 311 of 2023, subject to the condition that the petitioners shall refund the amount of Rs. 5569449.55 in 09 months in equal instalments i.e. Rs. 6,18,828/- per month.

6. It is made clear that first instalment of Rs. 6,18,828/- shall be deposited by the petitioners before



furnishing bail bonds and at the time of furnishing bail bonds, the petitioners shall produce the acknowledgment receipt showing deposit of the first instalment before the concerned court.

7. Accordingly, petitioners are directed to surrender before the concerned court within a period of four weeks from today and the learned trial court is directed to release the petitioners on provisional anticipatory bail, if the petitioners fulfills the aforesaid condition.

8. It is made clear that if the petitioners refund the entire amount of Rs. 5569449.55 in nine equal monthly instalments, the learned District Court shall confirm the bail bond.

9. If the petitioners fail to made payment of any of the monthly instalment, the bail bonds are liable to cancelled.

10. With the aforesaid observations and directions, the present petition stands disposed.

(Anil Kumar Sinha, J)

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