

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44729 of 2024

Arising Out of PS. Case No.-196 Year-2024 Thana- MOHANIYA District- Kaimur (Bhabua)

Baban Singh @ Babban Singh S/o Kailash Singh R/o Village Katrakala,P.S. -
Mohania, District Kaimur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rakesh Kumar S/o Ram Narayan Paswan Sahkarita Prashar Officer,
Mohania, Kaimur, Bhabhua, at present R/o Ghordiha, Kargahar, P.S -
Rohtas, Distt. - Rohtas

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyam Bihari Singh
For the Opposite Party/s : Mr. Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 01-10-2024 1. Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Mohania P. S. Case No.196 of 2024 registered for the
offences punishable under Sections 409 and 420 of the Indian
Penal Code.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and the
informant alleges that Katara Kala PACS purchased 11253
quintals of paddy from 89 farmers, out of which, 8097 quintals
of paddy was given to Kushwaha Agro Industries and Kudra
Rice Mill, out of which, 5222.90 quintals of CMR, was supplied



to the SFC and 3205.53 quintals of paddy remained with the PACS. Further, alleges that it was the duty of the petitioner and Kamlesh Sharma, being President and Secretary of the PACS for supplying the CMR, but they ignored all the notices and siphoned off 3205.53 quintals of paddy worth Rs.65,39,281/-.

4. The learned Counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case by the informant. It is next submitted that it is the duty of the Secretary of the PACS to ensure that the account with respect to paddy is maintained. It is further submitted that from perusal of Para-8 of the F.I.R., it would manifest that the same records that for the Kharif season, 22-23 the paddy was purchased from the farmers in between 15.11.2022 to 15.02.2023, further on 15.02.2023 on the order of the Collector, Kaimur the physical inspection of the purchased grain was done and it was found that in the stock, the paddy was 9547.30 quintals. It is next submitted that as per F.I.R., total 8097 quintals of paddy is alleged to have been given to Kushwaha Agro Industries and Kushwaha Agro Industries has given 5222.90 CMR and if the quantity as stated in para-8 of F.I.R. is deducted then the total paddy lies with the petitioner as well as with the Manager is 1450.30 quintals only and the price of the same comes to



Rs.2958612/- only.

5. Learned APP opposes the anticipatory bail application of the petitioner and submits that even what has been submitted by the learned counsel appearing on behalf of the petitioner is admitted to be true for the present then in that event also paddy worth Rs.2958612/- has not been returned which amply demonstrates that misappropriation was committed at the end of the President and the Secretary. It is next submitted that even Kamlesh Sharma had moved this court seeking anticipatory bail by filing Cr. Misc. No.49387/2024 but the same was rejected by an order dated 12.09.2024.

6. Considering the submissions made by the learned APP, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

7. Accordingly, the prayer of the petitioner for anticipatory bail stands rejected.

(Satyavrat Verma, J)

amit/-

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

