

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50692 of 2024

Arising Out of PS. Case No.-21 Year-2024 Thana- PAUTHU District- Aurangabad

1. Shambhu Kumar Bharti Son of Late Suraj Dayal Yadav R/o Village - Bhartipur, P.S.- Pauthu, District - Aurangabad (Bihar).
2. Hiralal Kumar Son of Sidheshwar Yadav Resident of Village - Nehal Bigha, P.S.- Pauthu, District - Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar

For the Opposite Party/s : Mr. Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-08-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 406, 409, 420 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of three cases and petitioner no. 2 is a person with clean antecedent.

4. The informant alleges that for procurement year 2022-2023, Pauthua PACS under Aurangabad district purchased 1002.900 metric ton of paddy, but till last date i.e. 30.09.2023 CMR supplied to State Food Corporation was only 174.580



metric ton of paddy, as such, petitioners, being Chairman and Secretary of PACS, are responsible for misappropriation of Rs. 78,88,879.16 including interest.

5. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case, it is next submitted that from perusal of Annexure P/3 and P/3A, it would manifest that petitioners have deposited an amount of Rs. 56 Lakhs and Rs. 29 Lakhs on 05.10.2023 and 09.10.2023 in the account of District Co-operative Bank, Rafiganj. It is next submitted that no doubt CMR of the paddy was not supplied in full, next submits that on account of bad weather, the paddy had deteriorated, but then petitioners have deposited the said amount. It is also submitted that petitioners will not abscond rather will co-operate in the investigation.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like



amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Pauthu P.S. Case No. 21 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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