

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65194 of 2024

Arising Out of PS. Case No.-165 Year-2024 Thana- UDWANTNAGAR District- Bhojpur

1. Rajendra Prasad Singh S/o Late Brahma Singh Resident of village- Purvi Nima, Ps- Udwanatnagar, Distt. - Bhojpur
2. Vimal Kumar Singh S/o Amrit Singh R/o vill - Sakhua, P.S - Udwanatnagar, Distt. - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Raju Kumar Singh
For the Opposite Party/s	:	Mr.Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

3 22-10-2024 1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Udwanatnagar P.S. Case No. 165 of 2024 dated 23.04.2024 registered under Sections 406, 409, 420, 34 of the I.P.C.

3. As per the First Information Report 102 cultivators of Udwanatnagar Block gave 8050 quintal paddy to the petitioners, who are the Chairman and Manager respectively of Kusumha PACS, District – Bhojpur for the year 2022-2023 who in turn were under obligation to supply of 5474 quintal of fortified C.M.R. rice to the Bihar State Food Corporation, Bhojpur but the petitioners allegedly supplied only 3811.80 quintal of C.M.R. rice till 30.09.2023 and have not supplied 1666.2 quintal. It is further alleged that the price calculated for 1662.2 quintal of rice is Rs. 50,47,710.29/- but the petitioners deposited



Rs. 16,88,000/- only and the rest amount of Rs. 3359710/- is yet to be recovered. It has further been alleged that the petitioners misappropriated the amount of Rs. 3359710/-.

4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. The petitioners had no knowledge about the alleged occurrence and have no concern with the same. He further submits that no case under Section 406, 409 & 420 of the I.P.C. is made out against the petitioners. The petitioners are ready to return the rest amount in the Government exchequer. He next submits that from perusal of the First Information Report Rs. 16,88,000/- has already been deposited by the petitioners and the balance amount remains at Rs. 33,59,710/-. The petitioners are ready to deposit the balance amount of Rs. 33,59,710/- within a period of one year from today in four equal installments in the office of District Co-operative Officer, Bhojpur.

5. Regard being had to the submission made by the parties, taking into consideration the fact that petitioners are ready to refund / deposit the balance amount Rs. 3359710/- in the office of District Co-operative Officer, Bhojpur, Ara within a period of one year from today, I am inclined to grant anticipatory bail to the petitioners subject to the condition that the petitioners shall



deposit the amount in question in four installments within one year and the first installment of Rs. 8,39,927/- shall be deposited before the District Co-operative Officer on or before the date of surrender for furnishing bail bond.

6. Let the petitioners, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of C.J.M., Bhojpur at Ara in connection with Udwantnagar P.S. Case No. 165 of 2024 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. After deposit of the first installment of Rs. 8,39,927 /- at the time of furnishing of the bail bond, the rest amount of Rs. 25,19,783/- shall be paid in the office of District Co-operative Officer, Bhojpur, Ara by way of three equal installment of Rs. 8,39,927 /- each within a period of one year. It goes without saying that if the petitioners default in depositing the installments their bail bonds shall liable to be cancelled.

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(Anil Kumar Sinha, J)

