

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21482 of 2015

Arising Out of PS.Case No. -36 Year- 2015 Thana -NATHNAGAR District- BHAGALPUR

Naresh Prasad Mandal Son of Late Bindeshwari Mandal resident of village
- Bhatoriya, P.S. Nathnagar (Madhusudanpur), District - Bhagalpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.24673 of 2015

Arising Out of PS.Case No. -36 Year- 2015 Thana -NATHNAGAR District- BHAGALPUR

Sikandar Yadav Son of Sri Naresh Yadav resident of village Bhataudia, P.S.
Nathnagar (Madhusudanpur), District Bhagalpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

(In Cr.Misc. No.21482 of 2015)

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. Ashok Kumar(APP)

(In Cr.Misc. No.24673 of 2015)

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. Anant Kumar(APP)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 30-09-2015 Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the State in both the cases.

The petitioners are apprehending their arrest in
connection with Nathnagar P.S.Case No. 36 of 2015 registered
under Sections 406 and 420/34 of the Indian Penal Code.

Earlier the case diary was called for in the present case

which has since been received.

Learned counsel for the petitioners submits that the petitioners as the Chairman and the Executive Member of the PACS, Bhatauria, Biharipur in the district of Bhagalpur, had issued cheques in favour of the persons who had supplied paddy and which had been forwarded by the petitioners to the State Food Corporation for which they were given receipts. The present case arose only because of the fact that receipts were not issued by the Manager of the State Food Corporation and as a result thereof they were unable to explain as to how they had issued cheques for 1000 quintals of paddy purchased by them.

Learned counsel for the petitioners has filed a supplementary affidavit today in Cr.Misc.No. 21482 of 2015 in which it has been stated that the petitioner has sought information under the RTI regarding his receipts of State Food Corporation and the District Co-operative Officer, Bhagalpur has been informed by the Block Co-operative Officer that the petitioner had deposited 1000 quintals of rice for which 987 quintals were found to be available in the godown, whereas the rest 13 quintals had been returned back to one Kamo Devi who had not encashed the cheque issued in her favour for a sum of Rs.16,215/-.

Considering the aforementioned information supplied to

the petitioner it appears that there is no defalcation made at his level rather the present prosecution was occasioned on account of the fact that the petitioner has been unable to explain for want of receipts.

In view of the aforementioned facts and circumstances, let the petitioners, named above, in the event of their arrest/surrender in the court below within a period of three weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each in connection with Nathnagar P.S.Case No. 36 of 2015 to the satisfaction of the A.C.J.M., Bhagalpur, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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