

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21152 of 2016

Arising Out of PS.Case No. -233 Year- 2015 Thana -JOKIHAT District- ARRARIA

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1. Salim Zafar @ Md. Salim Zafar son of Md. Aslam, Resident of village-
Dumaria, P.S.- Jokihat, District- Araria Petitioner/s
Versus

1. The State of Bihar
2. The Bihar State Co-operative Bank Ltd., Patna Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Manish Kumar

For the Opposite Party/s : Mr. Uday Chandra Prasad (APP)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

5 30-08-2016

Heard both sides.

The petitioner apprehends his arrest in Jokihat P.S. case No. 233/2015 under Section 406, 409, 420/34 of the Indian Penal Code.

The gist of the allegation is that the petitioner, being Member of the Managing Committee of Prasadpur PACS, with Chairman Md. Reza Akhtar took money from the Co-operative bank for purchasing paddy for the financial year 2010-11 but did not purchase the paddy nor returned the money to the bank.

The learned counsel for the petitioner submits that Md. Reza Akhtar removed the petitioner from the post of Member of the Managing Committee in the year 2011. Md. Reza Akhtar has also filed an affidavit stating this fact. Md. Reza Akhtar has already been enlarged on regular bail vide order dated 02.02.2016 passed in Cr. Misc. No. 49408 of 2015.

It appears that petitioner, being Member of the

Managing Committee, and Md. Reza Akhtar, being Chairman of the PACS, took Rs. 6,13,559/- from the bank for purchasing paddy but paddy was not handed over to the BSFC nor petitioner and Chairman of the PACS returned money to the bank. The petitioner is said to be removed in the year 2011 but the money was taken by the petitioner and the Chairman in the financial year 2010-11. The petitioner did not appear before the Joint Registrar, Co-operative Societies, Purnea to fix the responsibility on the petitioner and the Chairman of the PACS.

Considering the fact that petitioner is also responsible for not handing over the paddy to the BSFC, after taking money from the bank, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, i.e., the learned S.D.J.M., Araria in Jokihat P.S. case No. 233/2015, and prays for regular bail, the learned court below shall consider the prayer for regular bail of the petitioner taking into consideration that Md. Reza Akhtar has already been granted regular bail.

BKS/-

(Prabhat Kumar Jha, J)

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