

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35050 of 2016

Arising Out of PS.Case No. -3014 Year- 2009 Thana -KATIHAR COMPLAINT CASE District-KATIHAR

Krishna Kumar Lal, son of Late Birendar Kumar Lal, resident of Mohalla Gandhi Nagar, Ward No. 20 of Katihar Municipality, P.S. & District Katihar

.... Petitioner/s

Versus

1. The State of Bihar
2. Central Bank Karmchari Credit Co-operative Society Ltd.
3. Md. Qumrul Haq, son of Abdul Mannan, R/v Hajipur, P.S. Katihar, Muffasil, District Katihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

C.A.V. JUDGMENT

Date: 14-09-2016

Heard learned counsel for the petitioner, learned APP for the State and learned counsel appearing on behalf of the complainant.

Petitioner apprehends arrest in connection with Complaint Case No. 3014/2009 for offences alleged under Sections 420/34 of the Indian Penal Code.

The complaint case, as lodged by the complainant, is that the petitioner being the Branch Manager of Central Bank of India, Katihar Branch had opened Central Bank Karmchari Credit Cooperative Society (hereinafter referred to as the Society) registered under the provisions of Bihar and Orissa Cooperative Societies Act,



1935 almost 16 years back. Petitioner was the Chairman of the Society and the other co-accused were the elected Secretary and Treasurer of the Society. The complainant opened a daily deposit account of Rs. 50/- and deposited Rs. 13,050/- through one agent A.K. Ganguli. Subsequently, the Society established by the Bank officials was superseded and Administrator was appointed at the behest of the Registrar, Cooperative Societies. The complainant alleged that the petitioner had cheated him with dishonest intention by closing the office of the Society.

It has been submitted by the learned counsel for the petitioner that he is innocent and has falsely been implicated in the aforesaid case. He submits that petitioner had a satisfactory service and has now since retired. He further submits that long back in the year 2008 he had asked the Administrator to look into the said deposits and take proper and effective steps in accordance with law for recovery of the defalcated amount of various depositors including the complainant and for that he had moved this Court in C.W.J.C. No. 13743 of 2008 wherein this Court had issued directions to the Administrator to take effective and proper steps but till date there has been no outcome. It is submitted that now the Administrator is the custodian of the Society and petitioner has nothing to do with the Society after its supersession. He also submits that on the direction of

the Police Inspector, Economic Offence Unit, Patna petitioner has submitted report on 27.12.2007 that as per audit the Society was functioning in sound financial condition. He further submits that there are large number of persons who had deposited and the Administrator and the Economic Offence Unit are already in seisin of the matter.

However, learned counsel appearing on behalf of the complainant submits that he had deposited the said amount of Rs. 13050/- between the period 09.07.2003 to 08.07.2004 and since such a long time the amount is lying with the Society, which has been defalcated by the petitioner, who was the elected Chairman and other co-accused were the elected Secretary and Treasurer of the Society, hence, opposes the prayer for bail.

Learned APP for the State also submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, petitioner being an employee of the public sector undertaking and has since retired but submitted his report to the Economic Offence Unit, Patna on 27.12.2007 and that the Administrator has been appointed in the Society, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two

sureties of the like amount each to the satisfaction of Sri S. K. Sharma, Judicial Magistrate 1st Class, Katihar, in connection with Complaint Case No. 3014/2009, subject to the conditions as laid down under Section 438(2) Cr.P.C. However, it is made clear that the petitioner will cooperate with the investigation and appear before the police/ Economic Offence Unit/ court as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

Rajesh/-

AFR/NAFR	NAFR
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