

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19891 of 2017

Arising Out of PS.Case No. -252 Year- 2015 Thana -COMPLAINT CASE District- SUPAUL

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1. Jitendra Mishra Son of Shashi Bhushan Mishra resident of Village - Ganeshpur, Police Station - Puraini, District - Madhepura, M.D., The Central Co-operative Society Ltd. Head Office, Gandhipath, Saharsa.

.... Petitioner

Versus

1. The State of Bihar.
2. Rambha Devi Wife of Arbind Prasad Gupta resident of Birpur ward No. 10, P.O. & P.S. - Birpur, District - Supaul.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Arun, Adv.
For the State : Smt. Pushpa Sinha, APP 121
For the complainant : Mr. Ramesh Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 14-07-2017 Heard the learned counsel for the petitioner and the State.

This is a petition for grant of anticipatory bail for offence under Sections 406, 420, 467, 468, 471, 120B and 384 of the Indian Penal Code.

Admittedly, the petitioner is the Managing Director of the Central Cooperative Credit Society Limited, Head Office Gandhi Path, Saharsa. The different Branch Managers of said Society and other office bears are also accused in this case. Allegation is that the Society cheated the public at large, including the complainant of this case inasmuch as the complainant and others deposited money on persuasion of the office bearers of the Society to get better return. However, the Society fled away.

Submission of the learned counsel for the petitioner is that there is no material to substantiate direct involvement of



petitioner. The Society is not an accused, hence, vicarious liability of the petitioner can not be established. For the trial, there is no sufficient material against the petitioner.

The complainant has produced papers of some of the depositors.

Considering the nature of allegation against the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail.

The prayer for anticipatory bail is **refused** in connection with Complaint Case No. 252C of 2015 pending in the Court of the Additional Chief Judicial Magistrate, Birpur, Supaul.

(Birendra Kumar, J)

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