

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32011 of 2018

Arising Out of PS.Case No. -305 Year- 2016 Thana -MADHUBANI TOWN District-
MADHUBANI

- =====
1. Vijay Sah @ Vijay Kumar Sah, son of late Mahendra Sah, Branch Manager, J.C.S.S.S.S. Madhubani, resident of village- Mohalla Singhiniya Chowk, Bhauara Ward No.23, P.S.- Madhubani Town District- Madhubani,
 2. Shailendra Thakur, son of Mahendra Thakur, Member No.208/89 IInd Floor, Hem Kunj Chamber Neharu Place New Delhi, resident of Village- Sahpur P.S.- Pandaul, District- Madhubani.
- Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate

For the Opposite Party/s : Mr. Murlidhar, APP

Mr. Md. Soban Asghar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 11-07-2018

Heard learned counsel for the petitioners and learned

APP for the State as well as counsel for the Informant.

Petitioners apprehend their arrest in **Madhubani Town P.S. Case No.305 of 2016** instituted for the offence under Section(s) 406, 420, 120-B, 504, 467 Indian Penal Code pending in the Court of the **Chief Judicial Magistrate, Madhubani.**

It is alleged in the complaint, which was sent to P.S. under Section 156 (3) Cr. P. C., that the Complainant and three other persons, namely, Gautam Kishore, Prem Shankar Jha and Dharmendra Sah were appointed as Marketing Managers by



these petitioners, who are office bearers of Jyoti Credit and Saving Swablambi Sahkari Samiti. They have collected money from different depositors on the direction of the petitioners. It is mentioned in the Complaint Petition that Complainant collected rupees ten lac, Marketing Managers, Gautam Kishore collected rupees eight lac, Prem Shankar Jha collected rupees sixteen lac and Dharmendra Sah collected rupees six lac. All have deposited the amount collected from different depositors with the Company. The Informant/Complainant has annexed the deposit receipt with the Complaint Petition.

Counsel for the Informant/Complainant submits that entire receipt of deposit for the period from 2008 to 2016 have been issued to the Informant/Complainant and several other depositors by the Madhubani Branch of the Company. The accused persons have collected rupees forty lac from the Complainant and other Marketing Managers and did not pay the matured amount to the depositors and fled away after closing the office.

It is mentioned in the Complaint Petition that petitioner No.1 was Branch Manager of the aforesaid Company and petitioner No.2 was Member of the Board of Company.

Counsel for the petitioners submits that other



accused persons have been granted anticipatory bail by a co-ordinate Bench of this Court by order dated 05.07.2018 passed in Cr. Misc. No.33506 of 2018.

Counsel for the Informant submits that those accused persons have been granted anticipatory bail on the submission that they were Marketing Manager in the Company.

This Court finds from the Complaint Petition that both the petitioners are office bearers and they have misappropriated the money deposited by the Complainant and three other Marketing Managers, who were appointed by the office bearers of the Company to collect money.

In such circumstances, this Court does not find it a fit case for grant of anticipatory bail.

Prayer of the petitioners for grant of anticipatory bail is **rejected**.

Petitioners may surrender before the Court below and seek regular bail, which shall be considered and disposed off in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

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