

Arising Out of PS.Case No. -793 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

..... Petitioner/s

Versus

- Opposite Party/s

For the Petitioner/s : Mr. Chandra Bhushan Das
For the Opposite Party/s : Mr. Dr. Rabindra Kumar

Mr. C.B. Das, learned counsel for the petitioner submits that the O.P. No. 2 got anticipatory bail by concealing some material facts. As such, with regard to the number of criminal cases pending against him and the fact that O.P. No. 2 used to file returns of the Society each and every year before the



Registrar of Co-operative Society, Govt. of Bihar, but no return is filed as yet. It has further been submitted that the O.P. No. 2 and other accused persons have transferred huge fund of the Society in the name of different persons, including the relatives of the O.P. No. 2. The Opposite Party No. 2 being the Secretary of the Co-operative Society opened different institutions and acquired lands for construction of building in the name of his family members. Many branches of the Central Bank Employee Co-operative Society were closed due to mismanagement of the administration by the O.P. No. 2. Therefore, the anticipatory bail granted to the petitioner/O.P. No. 2 should be cancelled.

On the other hand, Mr. Vijay Kumar Sinha, learned counsel for the O.P. No. 2 submits that the O.P. No. 2 had no knowledge about the pendency of other criminal cases pending against him in the complaint petition itself. The petitioner/complainant filed the complaint petition but no specific allegation of misappropriation or defalcation of any amount of the Society is made against the O.P. No. 2. It has further been submitted that in paragraphs 21, 22 and 23 of the complaint petition the complainant/petitioner referred the names of different societies and acquisition of properties in the name of the society but not even a single chit of paper is filed to show that O.P. No. 2



acquired any land and misused even the fund of the Central Bank Employee Co-operative Societies. The Society acquired land at different places for construction of buildings for the use of the members of the Society. Even the complainant is residing in one of the buildings situated in Daudbigha, Agamkuan, Patna. The complainant/petitioner himself wanted to grab the management of the society by adopting unfair means but when he did not succeed, he filed the complaint petition. It has further been submitted that the O.P. No. 2 has already filed the audit report till date. The complainant has not been able to show that any fund of the society has been misappropriated or any property is acquired in the name of the O.P. No. 2. Against the order of cognizance taken in Complaint Case No. 793C/2013, the O.P. No. 2 filed Cr. Misc. No. 23779/2015 and this Court vide order dated 09.07.2015 directed not to take any coercive step against the O.P. No. 2 in Complaint Case No. 793C/2013. Further, it has been submitted that the wife of the O.P. No. 2 also filed Cr. Misc. No. 30989/2014 and a Bench of this Court vide order dated 11.10.2017 stayed the further proceeding of Complaint Case No. 739/2013. It has further been submitted that not even a single word is whispered in the entire complaint petition, in order to show that O.P. No. 2 defalcated even a single farthing of the fund of the Co-operative



Society.

O.P. No. 2 was granted bail on 08.12.2015 and he has not misused the privilege of bail. Once, the bail is granted, there are certain conditions for cancellation of bail, but none of the conditions is fulfilled and no case is made out for cancellation of the bail bond of the O.P. No. 2.

Mr. Chandra Bhushan Das, learned counsel for the petitioner, submits that Rs. 8,40,055/- was transferred in the account of Sukhdeo Tanti Memorial Trust from the fund of the Society.

Learned counsel for the O.P. No. 2 has stated that the Society has acquired different lands and also established different societies for the welfare of the members of the Central Bank Employee Co-operative Society Ltd.

Having considered the submissions of both the sides and on perusal of the records as well as the complaint petition, I find that no specific averment in the complaint petition is made against the O.P. No. 2 with regard to his defalcating any money of the fund of the Society being the Secretary of the Society.

From perusal of the entire complaint petition, there appears that the complainant/petitioner has not stated any facts nor disclosed any incident that the O.P. No. 2 being the Secretary of



the Co-operative Society acquired lands for construction of buildings in the name of his family members or misappropriated any amount.

Having considered the facts aforesaid, I do not find any reason to cancel the order granting the anticipatory bail to the O.P. No. 2. Accordingly, this petition is dismissed.

(Prabhat Kumar Jha, J.)

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