

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12148 of 2019

Arising Out of PS. Case No.-755 Year-2018 Thana- GOPALGANJ TOWN District-
Gopalganj

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JITENDRA YADAV Son of Rajendra Yadav Resident of Village- Manikpur,
P.S.- Gopalganj, District- Gopalganj, at present posted as Manager in
Manikpur PACS, Block- Gopalganj, P.S.- Gopalganj, District- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Chaudhary

For the Opposite Party/s : Mr.Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

5 01-07-2019 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises
out of Gopalganj Town Police Station Case No. 755 of 2018,
disclosing offence under Sections 406 and 188 of the Indian
Penal Code.

The allegation against the petitioner is that he, being
the Manager of Manikpur PACS, has misappropriated a sum of
Rs. 32,31,472/- of the depositors.

Learned Counsel for the petitioner submits that the
petitioner is not the custodian of the documents pertaining to the
deposits made by the depositors and he is the paid Manager.
Referring to the supplementary affidavit filed today, he submits
that from the audit report annexed therein, it transpires that only
the Chairman of the said PACS was responsible for the alleged



misappropriation.

Learned Additional Public Prosecutor submits that the petitioner, being the Manager of the PACS, was custodian of the amount and a three-member committee was constituted for conducting an enquiry and from perusal of the report, dated 05.12.2018, of the members of the enquiry committee, which is part of the First Information Report, it transpires that despite repeated opportunities given to the petitioner to substantiate the allegation before the Enquiry Committee, he did not turn up and evaded the Committee in order to conceal his involvement.

After having heard learned Counsel for the parties concerned and after perusal of the report of the members of the Enquiry Committee, it appears that the petitioner did not turn up before the Committee to explain the allegation of defalcation of Rs. 32,31,472/-, and the Chairman of the PACS, upon whom the petitioner is raising finger was present before the Enquiry Committee. Accordingly, I am not inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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