

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47675 of 2018

Arising Out of PS. Case No.-4 Year-2018 Thana- BATH District- Bhagalpur

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Ganesh Prasad Singh @ Ganesh Prasad, Son of Late Parameshwari Prasad Singh, Resident of Village- Nayagawn, Police Station- Bath, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Sitaram Singh, Son of late Mahavir Singh, Resident of Village – Nayagawn, P.S. Bath, District – Bhagalpur.
3. Nayagaon Primary Agriculture Credit Cooperative Society Ltd through its Chairman, At Nayagaon, P.S. - Bath, District – Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Ravi Shanker Pankaj, Advocate
For the Opposite Party/s :	Mr. Shailendra Kumar -1, Advocate
For the Opposite Party No. 2:	Mr. Avanindra Kumar Jha, Advocate
	Mr. Jitendra Acharya, Advocate
For the Opposite Party No.3:	Mr. Shailendra Kumar Singh, Advocate
	Mr. Nirala Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

10 02-04-2019 Heard learned counsel for the petitioner, learned APP

for the State and learned counsels for the opposite parties.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

The prosecution case as per the written report of Sitaram Singh submitted to the Station House Officer of Bath Police Station is to the effect that on 02.08.2013, the informant gave Rs. 4 lakhs in two equal installments to the petitioner being the Manager of Primary Agriculture Credit Co-operative Society



(PACCS) for the purpose of deposit the said amounts in PACCS at rate of 9%. Subsequently, when the informant demanded the money on 02.08.2017 and 14.09.2017 from the petitioner, he did not return the amount, hence, the present case.

It is submitted by learned counsel for the petitioner that the petitioner was simply a Manager of the PACCS. The amount of Rs. Four lakhs was deposited in the account of the PACCS. The petitioner resigned from the post of Manager from PACCS in 2015 and hence, the money deposited, if any, it has been in the custody of the PACCS which is under the administration of the PACCS.

Learned counsel for the informant submits that the money was misappropriated by the petitioner and he cheated the informant.

In pursuance to the order dated 09.01.2019, the Chairman of the PACCS was made opposite party no. 3 and has filed counter affidavit to the effect that the money has been misappropriated by the petitioner and the petitioner never resigned from the post of Manager of the said PACCS and said plea has been taken by the petitioner to save his own skin. However, counter affidavit on behalf of opposite party no. 2 does not depict whether the amount was deposited in the



PACCS or not.

However, learned counsel for the informant further submits that the thrust of accusation is against the petitioner, the said amount was deposited under the signature of the petitioner, being the manager of PACCS.

However, learned counsel for the petitioner submits that without entering into controversy, the petitioner is ready to deposit of Rs. Four lakhs before the learned Court below and the same may be released subject to the result of the case.

Considering the rival submissions of the parties, keeping in view the fact that this is not in dispute that the investment was made in the concerned PACCS and the Chairman has not come out with specific detail as to whether the amount was deposited in the account of the PACCS or not, this Court permits the petitioner to deposit Rs. Two lakhs within a period of two weeks and balance amount of Rs. Two lakhs within a period of two months thereafter. The said amount will be invested by the learned Court below in some Fixed Deposit Scheme in connection with the present case and the said amount will be subject to the result of the case.

On deposit of Rs. Two lakhs within a period of two weeks, let the above named petitioner be released on



anticipatory bail provisionally in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIII, Bhagalpur in connection with Bath P.S. Case No. 04 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned Court below on deposit of the balance amount of Rs. Two lakhs within a period of two months from the date of execution of the bail bonds.

(Dinesh Kumar Singh, J)

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