

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24046 of 2019

1. Ramvelash Rai son of Ramavtar Rai, resident of Ward No. 07, village and Post- Chakpahar, P.S.- Tajpur, District- Samastipur, PIN - 848122.
2. Pankaj Kumar Singh, son of late Lal Bahadur Singh, resident of - at Rajwara, P.O.- Chakpahar via Madhopur Digharua, P.s.- Tajpur, District- Samastipur, PIN- 848122.

... .. Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Patna- 1.
2. The Principal Secretary to the Government of Bihar, Home Department, Bihar, Patna- 1.
3. The Principal Secretary to the Government of Bihar, Co-operative Department, Bihar, patna- 1.
4. The Superintendent of Police, Investigation, Economic Offences Wing, Bailey Road, Patna.
5. The Collector cum District Magistrate, Samastipur.
6. The District Co-operative Officer, Samastipur, Kachahari Campus, District- Samastipur. resident of village Rajwara, P.O. Chakpahar, P.S. Tajpur, Dxistrict Samastipur, PIN- 848122.
7. Arjun Prasad Rai, Son of Late Ramlakhan Rai, Chairman, Chakpahar PACS, resident of village Rajwara, P.O. Chakpahar, P.S. Tajpur, Dxistrict Samastipur, PIN- 848122.
8. Priyanka Singh, Wife of Vivek Kumar Singh, Member, Managing Committee, Chakpahar PACS, resident of village Rajwara, P.O. Chakpahar, P.S. Tajpur, Dxistrict Samastipur, PIN- 848122.
9. Indu Devi, wife of Birju Paswan, Member, Managing Committee, Chakpahar PACS, resident of village Rajwara, P.O. Chakpahar, P.S. Tajpur, Dxistrict Samastipur, PIN- 848122.
10. Bhola Paswan, son of Vishwanath Paswan, Member, Managing Committee, Chakpahar PACS, resident of village Rajwara, P.O. Chakpahar, P.S. Tajpur, Dxistrict Samastipur, PIN- 848122.
11. Narendra Kumar Rai, son of Shivji Rai, Member, Managing Committee, Chakpahar PACS, resident of village Rajwara, P.O. Chakpahar, P.S. Tajpur, Dxistrict Samastipur, PIN- 848122.
12. Naveen Kumar Rai, son of Late Ramlakhan Rai, Member, Managing Committee, Chakpahar PACS, residents of village Kamtaul, P.O. Madhopur Digharua, P.S. Tajpur, Samastipur, PIN- 848122.
13. Mohd. Sadik, son of Mohd. Hanif, Member, Managing Committee, Chakpahar PACS, residents of village Kamtaul, P.O. Madhopur Digharua, P.S. Tajpur, Samastipur, PIN- 848122.
14. Rekha Devi, Wife of Kamlesh Rai, Member Managing Committee, Chakpahar PACS. resident of village Kamtaul, P.O. Madhopur Digharua, P.S. Tajpur, Samastipur, PIN - 848122.



15. Amritesh Kumar, son of Nagendra Rai, Member, Managing Committee, Chakpahar PACS. resident of village and P.O. Chakpahar, P.S. Tajpur, District Samastipur, PIN- 848122.
16. Nikki Kumari, Wife of Vikas Kumar, Member, Managing Committee, Chakpahar PACS, resident of village and P.O. Chakpahar, P.S. Tajpur, District Samastipur, PIN- 848122.
17. Rupak Kumar Singh, son of Late Rajmohan Singh, Manager, Banking Business, Chakpahar PACS, Resident of village Rajwara, P.O. Chakpahar, P.S. Tajpur, District Samastipur, PIN- 848122.
18. Vikas Kumar, son of Rambalak Thakur, Cashier, Banking Business, Chakpahar PACS, Samastipur. Resident of Village and post - Chakpahar, P.S.- Tajpur, District- Samastipur PIN- 848122.

... .. Respondents

Appearance :

For the Petitioners : Mr. V.K.Sharma
Mr. Jitendra Kumar
For the Respondent State: Mr. Sanjay Kumar Ghosarvey, AC to AAG-3

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 05-12-2019 This writ application has been filed seeking direction to the respondents to ensure action against private respondents No. 7 to 18, who, as members of Chakpahar Primary Agricultural Credit Society Limited (PACS), are said to have embezzled huge amount, which they had collected from nearly 800 villagers for being deposited in the account of a so-called bank run by the said PACS.

Mr. V. K. Shama, learned counsel appearing on behalf of the petitioners, has referred to Annexure-P/8 of the writ application to contend that the petitioners have approached the Superintendent of Police (Investigation), Economic Offences Wing, Patna, pointing him out the illegalities committed with



criminal intent by the members of the said PACS, with a request to him to initiate appropriate action. It has also been submitted that the Chairman and the Manager of the PACS have filed two complaint cases accusing each other of embezzlement of the amount collected from the villagers. The petitioners, he contends, are one of the depositors, whose amount has been misappropriated by them. He has submitted that the conduct of the private respondents constitute offence punishable under Section 409 of the Indian Penal Code.

Considering the facts and circumstances, as noted above, without entering into the merit of the grievances, this writ application is disposed of with an observation that the petitioners shall be at liberty to lodge a First Information Report before the police, if, according to them, their amount has been misappropriated. Considering the nature of allegation, which has been made in the writ application, the Court also observes that the Superintendent of Police (Investigation), Economic Offences Wing, Patna, should also look into the matter and decide as to whether it would be desirable for the Wing to take up the investigation.

(Chakradhari Sharan Singh, J)

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