

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6190 of 2020**

Arising Out of PS. Case No.-475 Year-2019 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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RAVINDRA KUMAR Son of Ramjiwan Rai Resident of Village - Chaknur,
Tola Dadpur, Police Station - Samastipur (Muffasil), District - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dharmendra Kumar, The Co-operative Extension Officer, Samastipur.
3. Chaknur Panchayat Primary Agriculture Co-operative Society Limited
Village - Chaknur, Tola Dadpur, Police Station - Samastipur (Muffasil),
District - Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Choudhary Shyam Nandan,Advocate

For the Opposite Party/s : Mr.Parmeshwar Mehta,APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

6 22-09-2020 Heard learned counsel for the petitioner and Mr.
Parmeshwar Mehta, learned APP for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Samastipur (Muffasil) P.S. Case No. 475
of 2019 registered for the offences punishable under Sections
406, 409 and 420 of the Indian Penal Code.

The allegation against the petitioner is that while
working on the post of Manager in Chaknur Panchayat PACS,
Samastipur he has indulged in misappropriation of a sum of
Rs.42,23,203.98/-. In this respect FIR has been lodged by the
Co-operative Extension Officer, Samastipur and the basis of
allegations against the petitioner is said to be an audit report and



decision of the Managing Committee of the PACS.

Learned counsel for the petitioner submits that as Manager of the PACS the petitioner had no role in the matter of receipt of cash and as such any allegation of misappropriation of money is only baseless. The petitioner had no administrative power and it is the chairman of the PACS who controls the affairs of the PACS.

It is submitted that the cash and financial transaction are dealt by the cashier and the petitioner is only a rubber stamp Manager acting at the instance of the Chairman. He is being sacrificed in this case being the lowest grade staff. All these transactions are said to be of the period of 2008-2015 during which one Laxmi Rai (since deceased) was the Chairman of the PACS.

On the other hand, Mr. Permssshwar Mehta, learned APP for the State has opposed the prayer for anticipatory bail of the petitioner. It is submitted that there are serious allegation and indulgence of the petitioner in misappropriation of huge amount. In this regard, the audit has pointed out the role of the petitioner as Manager of the PACS and then vide Resolution No. 2 dated 30.03.2018 the Managing Committee of the PACS decided to lodge the FIR. Prior to that a sub-committee was also



constituted by the Managing Committee and the said sub-committee has also found the allegations getting substantiated against the petitioner. It is, thus, submitted that the petitioner does not deserve the privilege of anticipatory bail.

Having regard to the facts and circumstances of the case, the materials available on the record from which it appears that earlier vide office order as contained in Memo No. 2 dated 16.06.2016 the petitioner was served with a chargesheet in terms of Rule 19 of the PACS Employees Rule 2008, he was placed under suspension and a disciplinary proceeding has been initiated against him for the charges inter alia that he had indulged in misappropriation of money of the PACS, he had allegedly recovered loan amount and had misappropriated the same and there are other allegations.

It further appears from the records that the audit has also pointed out the involvement of this petitioner in the alleged misappropriation and then the sub-committee of the PACS has also found that the allegations are substantiated against the petitioner and then the Managing Committee has taken a decision to lodge the present FIR, in the nature of the allegations of financial misappropriation, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.



The application is, thus, dismissed.

In case the petitioner surrenders or prays for regular bail in the court below within a period of four weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudiced by the present order of this Court.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

