

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72665 of 2019

Arising Out of PS. Case No.-403 Year-2019 Thana- HILSA District- Nalanda

SUMAN KUMAR Son of Raj Kishor Prasad (Executive Member Redi Panchayat PACS) Resident of Village - Chamarbiga, P.S.- Hilsa, Distt.- Nalanda.

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. The Managing Director, Bihar State Food and Civil Supply Corporation Ltd. Patna, Bihar. Bihar
3. Upendra Prasad Son of Basdeb Mahto Resident of Village and P.O.- Jamsari, P.S.- Bind, Distt.- Nalanda, A/p Incharge Branch Manager Nalanda Central Co operative Bank Ltd. Branch, Hilsa.

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Anil Kumar Singh, Adv.
For the NCCB	:	Mr. Bindhyachal Rai, Adv.
For BSFC	:	Mr. Siddharth Karsh, Adv.
For the Opposite Party/s	:	Mr.Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 14-02-2020 Heard learned counsel for the petitioner, learned counsel for Nalanda Central Co-operative Bank Ltd., Hilsa Branch, learned counsel for the Bihar State Food and Civil Supply Corporation Ltd. Patna, Bihar as also learned APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Hilsa P.S. Case No. 403 of 2019, registered for the offence punishable under sections 419, 420, 406, 120B and 34 of the Indian Penal Code.



As per allegation in the F.I.R., lodged by the Incharge Branch Manager, Nalanda Central Co-operative Bank, Hilsa Branch, it is alleged that the Chairman, Manager and other executive members of Reri Panchayat PACS got a Special Cash Credit transfer of Rs. 26,32,164 and as a result of a planned conspiracy, caused loss of the said amount to the bank. It is stated that all the persons named in the FIR including the petitioner who is an Executive member of the PACS are responsible for the misappropriation of the said amount.

It is submitted by learned counsel for the petitioner that from reading of the FIR itself it transpires that all steps have primarily been taken by the Chairman and Manager of the concerned PACS and not the Executive Members. It is further submitted that the amount was received by the PACS and the petitioner has not received any amount from the said PACS. It is further submitted that Nitish Kumar, the Manager of the PACS has been enlarged on bail vide order dated 20.01.2020 passed in Cr. Misc. No. 80185 of 2019 while the other four members of the Executive Committee have also been enlarged on bail vide order dated 06.02.2020 passed in Cr. Misc. No. 74329 of 2019.

On the other hand, it is submitted by learned counsel appearing for the Nalanda Central Co-operative Bank Ltd.,



Hilsa Branch, that from perusal of the counter affidavit, filed on behalf of the Bank, it would be evident that cash credit facility was provided after the same was passed by the PACS of which the petitioner was one of the signatories. It further transpires that for the said amount, bond as also a promissory note, as contained in Annexure- 'B' and 'C' to the counter affidavit, was furnished by the PACS of which the petitioner was signatories in both. Thus, it is submitted that petitioner was an active member of the Executive Committee. It is further submitted that so far as the bail granted to Nitish Kumar is concerned, from the order it would transpire that he had been granted bail only on deposit of Rs. 3 lakhs in the nazarat of the Civil Court at Hilsa, Nalanda.

Learned counsel for opposite party no. 2 and learned APP have also opposed the application of bail.

Having heard learned counsel for the parties and considering the fact that other members of the Executive Committee, namely, Pawan Kumar, Niranjana Kumar, Abha Devi and Indu Devi having similar allegations to that of the petitioner have been enlarged on bail vide order as stated above, the Court is inclined to grant bail to the petitioner and he is directed to surrender in the court below and in the event of his arrest or surrender within a period of six weeks from today, he shall be



enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Hilsa, Nalanda in connection with Hilsa P.S. Case No. 403 of 2019, subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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