

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77675 of 2019

Arising Out of PS. Case No.-213 Year-2018 Thana- SAHARSA District- Saharsa

JAGO PRASAD MANDAL @ SRI JAGO PRASAD MANDAL Son of Late
Dwarika Prasad Mandal Resident of Village - Mahichanda, P.O.- Tulapatti,
P.S.- Pipra, District- Supaul.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

with

CRIMINAL MISCELLANEOUS No. 83264 of 2019

Arising Out of PS. Case No.-213 Year-2018 Thana- SAHARSA District- Saharsa

JITENDRA MISHRA Son of Shri Shashibhushan Mishra Resident of Village
- Ganeshpur, P.S.- Puraini, District - Madhepura.

... .. Petitioner.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

(In CRIMINAL MISCELLANEOUS No. 77675 of 2019)

For the Petitioner : Mr. Dinesh Maharaj, Advocate.

For the State : Ms.Rina Sinha, A.P.P.

For the Informant : Mr. Chandra Mohan Jha, Advocate.

(In CRIMINAL MISCELLANEOUS No. 83264 of 2019)

For the Petitioner : Mr. Pramod Mishra, Advocate.

For the State : Mr. Satyavrat Verma, A.P.P.

For the Informant : Mr. Chandra Mohan Jha, Advocate.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

6 15-06-2020 Since the petitioners of both the applications seek bail

in connection with Saharsa Sadar P.S. Case No.213 of 2018

registered under Sections 406, 409 and 420/34 of the Indian

Penal Code, therefore, both the applications have been listed

together and, having heard together through Video



Conferencing, are being disposed of by this common order.

The accusation is that the informant Jai Prakash Singh and 60 other persons, named in the F.I.R., opened the account in the Bihar Co-operative Credit Society Limited, Bhagalpur and Munger and deposited the money, which was to be doubled after five years but after maturity, the money was not returned to the informant and sixty other persons, named in the F.I.R. The petitioner Jago Prasad Mandal alias Sri Jago Prasad Mandal (in Criminal Misc. No.77675 of 2019) and the petitioner Jitendra Mishra (in Criminal Misc. No.83264 of 2019) being the Chairman and the Managing Director of the said Cooperative Society respectively, under conspiracy with the other officials of the said Cooperative Society, misappropriated the money of the informant and 60 other persons, named in the F.I.R.

Learned counsel appearing on behalf of the petitioners, jointly, submits that, in fact, the informant and 60 other persons, whose names are detailed in the F.I.R., were the members of the Society and they had taken loan from the Society but the same was not deposited by them in spite of much persuasion and the present case has been lodged with false allegation. Further submission is that the informant along with others hatched conspiracy against the Society, due to that



reason, a proceeding bearing Misc. Case No.02 of 2013 was initiated behind the back of the Society before the Bihar Co-operative Tribunal, Patna, where on 04.06.2014, order was passed to liquidate and dissolve the Society and, subsequently, the District Magistrate, Saharsa, was appointed as Liquidator of the Society. The said order was challenged by the Society in C.W.J.C. No.12501 of 2014 before this Court, which was heard and interim order was passed on 09.01.2015, staying the operation of the order of the Bihar Co-operative Tribunal, Patna. Further submission is that while the informant has alleged that he himself and 60 other persons deposited the money but in the case diary, only the restatement of the informant, as detailed in paragraph-2 of the case diary, and the statement of two persons, namely, Gulab Prasad Chaurasia, and Mukesh Kumar Singh, as detailed in paragraphs-15 and 20 of the case diary respectively, were recorded by the police. Further submission is that, on investigation, the police has already submitted the chargesheet against both the petitioners. The petitioner Jago Prasad Mandal alias Sri Jago Prasad Mandal (in Criminal Misc. No.77675 of 2019) is in custody since 13.05.2019, whereas the petitioner Jitendra Mishra (in Criminal Misc. No.83264 of 2019) is in custody since 10.07.2019.



Having regard to the facts and the circumstances of the case, the petitioners, above named, are directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Saharsa, in connection with Saharsa Sadar Police Station Case No.213 of 2018, with the condition that the petitioners shall appear before the trial court on each and every date fixed by the trial court. If the petitioners fail to appear before the trial court on two consecutive dates without showing any reasonable cause, the trial court would be at liberty to cancel the bail bonds of the petitioners.

(Rajendra Kumar Mishra, J)

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