

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6627 of 2020**

Arising Out of PS. Case No.-585 Year-2018 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

=====

SUNIL KUMAR CHAUDHARY Son of Jagdev Chaudhary @ Jagdev Sahani
Resident of Village - Mordiva, P.S.- Muffasil, District- Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Vinay Ranjan, Adv
For the Opposite Party/s : Mr.Parmeshwar Mehta, APP

=====

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

7 01-02-2021 Heard learned counsel for parties.

Petitioner apprehends his arrest in connection with a case registered for the offence punishable under Sections 406, 409, 420, 467, 468 and 471 of the Indian Penal Code.

Allegation against the petitioner is of embezzlement of fund of Kisan Krisak Swablambi Sahkari Samiti Ltd.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. It has been further submitted that the office of Samiti runs in the house of Kanhaiya Kumar who has dominated over the functioning of the Samiti and get appointed his brother-in-law as agent of the Samiti. Kanhaiya Kumar without approval of the member of the board dispersed the loan amount among his favourable members



of the Samiti and never took steps for recovery of such loan. Petitioner has lodged an FIR bearing Muffasil P.S. Case No. 366/14 dated 05.09.2014 against said Kanhaiya Kumar Choudhary for illegal and whimsical activities and said FIR is also part of the present case. It is further submitted that as the office of the Samiti runs from the house of Kanhaiya Kumar, all records are kept in his house and due to that neither proper enquiry could have been done nor debt could have been recovered, moreover the matter is related to bad loan and not related to defalcation. Kanhaiya Kumar Choudhary has already been granted anticipatory bail by a co-ordinate bench of this Court vide order dated 18.10.2019 passed in Criminal Miscellaneous No. 63092 of 2019. Petitioner has got no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on anticipatory bail, in the event of his/her arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/-with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Muffasil P.S. Case No. 585 of 2018**, subject to the conditions as laid



down under Section 438(2) of the Cr.P.C.

(S. Kumar, J)

ranjan/-

U			
---	--	--	--

