

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30444 of 2020

Arising Out of PS. Case No.-2042 Year-2014 Thana- GAYA COMPLAINT CASE District-
Gaya

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KITTI NAWANI @ KISHORE NAWANI Son of Late Mohan Lal Nawani, permanent resident of 12/5, Soi-33, Sukhumvit Road, Klongton, Nua, Vattan, Bangkok(Thailand), at present Buddhist Thai-Bharat Society, Mastipur Gaon, Behind Main Temple, P.S. and P.O. Bodh Gaya, District - Gaya (Bihar).

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Buddhist Thai-Bharat Society having its registered office at Village - Mastipur, South of Main Temple, P.S. - Bodh Gaya, District - Gaya (Bihar), through its General Secretary, Ven. Ratneshwar Chakma, Son of Sri Santi Kumar Chakma, residing at Buddhist Thai-Bharat Society, Village - Mastipur, South of Main Temple, P.S. Bodh Gaya, District - Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr.Adv. Mr.Indu Bhushan, Adv.
For the State	:	Mr.Ram Bilash Raman, APP
For the Complainant	:	Mr.(Dr.) S.S. Kishore, Adv.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

- 3 05-01-2021 Heard learned senior counsel for the petitioner, learned A.P.P. for the State and learned counsel for the complainant.

The petitioner apprehends his arrest in Complaint Case No.2042 of 2014 registered under Sections 406, 504, 420 and 120(B) of the Indian Penal Code.

In sum and substance, the complainant made allegation that the petitioner and one Sarju Prasad along with two unknown persons inducted themselves as members of the



Buddhist Thai-Bharat Society and claimed themselves to be the elected General Secretary and Joint Secretary respectively. They collected contributions of Rs.25,28,644/- in the year 2008-09 and made interpolation in the account books of the Society. Various illegalities and irregularities are alleged to have been committed by the General Secretary and the Joint Secretary of the Society.

Learned senior counsel for the petitioner submits that there is no chit of paper to show that the petitioner received any amount in donation from any person and utilized the donation for his personal use. It is alleged that the offence was being committed since the year 2009 but no information was given to the police. Only the cognizance was taken on the basis of the complaint filed by the complainant on 04.11.2016. It is further submitted that the petitioner has not committed any offence. The dispute with regard to the allegation of office bearer of the Society and the dispute is purely of civil nature but it appears from perusal of the record that the anticipatory bail petition of Sarju Prasad (Joint Secretary of the Society) was dismissed on 25.08.2018 by a coordinate bench of this Court and he was granted regular bail by order dated 27.09.2019 passed in Cr.Misc.No.60860 of 2019.



Learned counsel for the complainant submits that the case of the petitioner stands on the same footing as that of Sarju Prasad and both the accused are still in possession of the entire records of the Society.

Taking into consideration the facts that the case of the petitioner stands on the same footing as that of Sarju Prasad, whose anticipatory bail petition has already been rejected after considering the nature of allegations made against him, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, the learned court below shall consider the regular bail petition of the petitioner taking into consideration the fact that another accused has already been granted regular bail.

(Prabhat Kumar Jha, J)

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