IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8776 of 2021

Arising Out of PS. Case No.-518 Year-2020 Thana- BETTIAH CITY District- West Champaran

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MUKESH KUMAR, Son of Rambriksh Chaudhary, Resident of Village- Kerwa, P.S.- Kurhani (Turki O.P.), District- Muzaffarpur.

... ... Petitioner

Versus

1. The State of Bihar
2. Economic Offence Unit, Bihar.

... ... Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr.B.N. Mishra, Advocate
For the E.O.U.	:	Mr. V.N.P. Sinha, Sr. Advocate
		Ms. Soni Srivastava, Advocate
For the State	:	Mr. Ajay Kumar Jha, A.P.P.
For the O.P.	:	Mr. Manour Alam, Advocate
For the Informant	:	Mr. Arbind Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

7 24-08-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard Mr. B.N. Mishra, learned counsel for the petitioner, Mr. V.N.P. Sinha, learned Senior Counsel assisted by Ms. Soni Srivastava for the E.O.U. and Mr. Ajay Kumar Jha, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Bettiah Town P.S. Case No. 518 of 2020 registered for the offence punishable under Sections 406, 420, 467, 468, 471, 120(B)/34 of the Indian Penal Code and Bihar

Prohibition of Interest of Depositors Act, 190/2013. He is in custody since 30.09.2020.

As per the prosecution story, the informant had opened a daily deposit account in one Swarn India Multi State Credit Co-operative Society Limited. He was depositing a sum of Rs. 2,000/- per month from August, 2019 and in this manner he had a total credit of Rs. 4,20,000/- in his account. On the date of maturity he found that the office of the society was locked and from the nearby people the informant came to know that the people who were running the society/Bank have fled away. The informant alleges that one Anil Kumar Choudhary is the Managing Director of the Bank/society and when the informant met him, he asked the informant to wait for some time but thereafter his house was also found locked. The informant alleges that the said Anil Kumar Choudhary along with named accused including the petitioner have conspired and misappropriated the amount deposited by the informant.

In course of investigation, several other cases have been found against this society. Learned counsel for the State has informed this Court that altogether ten cases have been lodged against the society. The informant has also given the details of nine cases in paragraph ‘4’ of the counter affidavit.

Learned counsel for the petitioner has also pointed out that in one of the cases a learned coordinate Bench of this Court has granted bail to the petitioner in Cr. Misc. No. 7291 of 2020.

Mr. V.N.P. Sinha, learned Senior Counsel has informed this Court that out of ten cases, six cases have been transferred to the Economic Offence Unit. The Economic Offence Unit is investigating the case.

Taking note of the submission of learned counsel for the petitioner that this petitioner has got no concern with the society, this Court directed learned counsel for the petitioner to place on record a true copy of the bye-laws of the society with specific statement on oath as to whether the petitioner was founder of the society or was holding any position either as Manager, Director or office bearer in the society.

A supplementary affidavit has been filed on behalf of the petitioner. A photocopy of the bye-laws has been brought on record as Annexure '3' but perusal thereof shows that care has been taken while filing this document not to show the name of the persons who are the founder of the society. Name of the persons who have formed the society have not been disclosed. This Court further finds that very carefully statement has been made in paragraph '3' of the affidavit that the petitioner is not holding any post in the branch of Swarn India Multi State Credit Co-operative Society Limited situated at Bettiah where the occurrence has taken place. The submissions in this paragraph are confined in respect of the association of the petitioner in the functioning of the said branch.

In paragraph '5' of the supplementary affidavit now it is stated that the petitioner is a member of the society. Earlier his stand was that he had no concern with the society.

Learned counsel for the State has informed this Court that the main accused Anil Kumar Choudhary who is said to be the Managing Director of the society is still absconding.

Considering the facts and circumstances of the case, wherein the allegations against the petitioner is that he along with the Managing Director who happens to be the own brother of the petitioner and the other persons named in the F.I.R. have misappropriated the amount belonging to the informant and thereafter it has transpired that huge amount have been collected from public at large and thereafter they have been duped, the offices of the company were closed and the people were not paid their maturity amount, the brother of the petitioner is still absconding and finding the gravity of the offences alleged six cases have been transferred to the E.O.U. which are still under investigation, the petitioner has not disclosed the complete facts relating to his status in the society despite the order of this Court and initially he made a statement that he had no concern with the society but later on he has come on affidavit that he is a member of the society, the other facts which were required specifically to be stated on oath in terms of the order of this Court have not been stated, this Court is not inclined to enlarge the petitioner on bail at this stage. The prayer for bail is, thus, refused.

Let the trial be expedited.

If the trial is not concluded within a period of one year for no reason attributable to the petitioner, he may renew his prayer for bail.

The application stands dismissed.

(Rajeev Ranjan Prasad, J)

vats/-

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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’.