

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12280 of 2022**

Arising Out of PS. Case No.-347 Year-2021 Thana- BASANTPUR District- Siwan

RAM SHARAN RAY S/o Yugool Ray R/o village- Gopalpur, P.S.- Basantpur,
District- Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Parmeshwar Mehta

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 05-09-2022 Heard learned counsel for the parties.

The petitioner apprehends his arrest in connection with Basantpur (Lakri Naviganj) P.S. Case No.347 of 2021, registered for the offences punishable under Sections 406, 420 and 34 of the Indian Penal Code.

The allegation against the petitioner and other co-accused person is that they are not paying the deposited amount to some of the beneficiaries.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that the petitioner has got no criminal antecedent as stated in paragraph-2 of the bail application. It is submitted that the petitioner is not a government servant nor a Manager under the cadre of PACS



Manager appointed through the District Cadre Cooperative Society. The PACS is not a state within the purview of Article 12 of the Constitution of India. It is further submitted that the Managing Committee of the PACS is constituted by 11 members and 1 Chairman and all are directly elected by the members of the PACS. The petitioner is not the elected member or the Chairman. It is also submitted that the dispute is purely civil in nature and the Co-operative Societies Act being a complete code has provided the remedy for taking action against the Managing Committee.

Learned APP for the State opposed the prayer for anticipatory bail of the petitioner and submitted that there is ample evidence against the petitioner in the case diary.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Anjani Kumar Sharan, J.)

Sanjay/-

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