IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66984 of 2021

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

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Manvendra Singh @ Manvendra Kumar, S/o Late Bhartendu Singh, R/o Village- Purani Bazar Ward No. 9, P.S.- Shikarpur, District- West Champaran.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Manindra Kishore Singh, Advocate
For the EOU	:	Mrs. Soni Shrivastava, Advocate
For the Informant/s	:	Mr. Manaur Alam, Advocate
For the State	:	Mr. Satya Nand Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

5 13-09-2022 Heard learned counsel for the petitioner, learned counsel for EOU, learned counsel for the informant and learned APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Bettiah (Town) P.S. Case No. 518 of 2020 registered for the alleged offences under Sections 406, 420, 467, 468, 471, 120B and 379 of the Indian Penal Code and Section 19/13 of Bihar Prohibition of Interest and Depositor Act.

As per prosecution case, the petitioner and other co-accused persons have been running a cooperative society in the name of Swarana India Multi State Cooperative Society Limited which was also accepting deposits. The informant has alleged that he deposited Rs. 4,20,000/- under the deposit scheme of this non-banking society but the petitioner and other co-accused persons under a conspiracy defalcated the money and closed the office of the society and have also prepared fraudulent documents for this purpose.

The learned counsel for the petitioner submits that the petitioner has no role in the alleged occurrence as he was merely an employee. He had been working as a field agent with the said society. Moreover, this petitioner resigned from his work on 05.01.2017 and admittedly, the informant started his account on 17.01.2019 i.e. after two years of resignation of this petitioner. So, no liability could be fastened upon this petitioner for defalcation of money of the informant. The petitioner was neither the custodian of the money nor staff of the branch and he was only a collecting agent, but he did not collect any money from the informant. Learned counsel further submits that when the non-banking institution was closed at Bettiah. A case has been registered by police itself as Bettiah (Nagar) P.S. Case No. 644 of 2019 registered for the alleged offences under Sections 406, 420, 467, 468, 471 and 120B of the Indian Penal Code and

Section 19 of the Bihar prohibition of Interest and Depositor Act and this petitioner was made an accused along with other persons but the petitioner was granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 02.03.2020 passed in Cr. Misc. No. 10047 of 2020. Learned counsel further submits that the petitioner is in custody since 31.07.2021 and charge-sheet has already been submitted against him.

Learned counsel appearing on behalf of the Economic Offences Unit submits that she is having supplementary case diary only and she vehemently opposes the submission made on behalf of the petitioner. Learned counsel submits that the petitioner had been collecting money from the people on behalf of the non-banking institution and the petitioner and others are equally liable since they had acted under a conspiracy to defalcate the money from people who deposited money with it and they fled away with money of all such depositors. Learned counsel further submits that prayer for bail of co-accused Anil Kumar Chaudhary and Mukesh Kumar have been rejected by different Co-ordinate Benches of this Court. Learned counsel for the informant while opposing the prayer for bail submits that a counter affidavit has been filed on behalf of the informant wherein vide Annexure-A series, it has been brought on record that the petitioner used to issue *Kisan* Bonds and he was equally liable with other co-accused persons.

Perused the records.

Having regard to the submissions made on behalf of the parties and further considering the lack of substantive material to show the complicity of the petitioner in the whole occurrence and further considering the period of custody and the submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran, Bettiah in connection with Bettiah (Town) P.S. Case No. 518 of 2020, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be Pankaj Kumar, brother-in-law of the petitioner, who has sworn the affidavit in this case.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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