

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65502 of 2023

Arising Out of PS. Case No.-53 Year-2020 Thana- MOTIPUR District- Muzaffarpur

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Laxmi Narayan @ Laxmi Narayan Jha, Gender- Male, aged about 78 years,
son of Jagdish Jha, resident of village- Kalyanpur Harauna, P.O. - Morsandi,
Anchal and P.S. - Motipur, Mursandi, District- Muzaffarpur, Bihar 843153
... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Motipur PS Case No.53 of 2020 dated 04.03.2020, instituted
under Sections 409 and 420 of the Indian Penal Code.

3. The allegation against the petitioner is that he was
the Chairman of Kalyan Harauna PACS between the period of
2009-14. During his tenure, he is alleged to have collected five
hundred rupees from each farmers, who were associated with
Kalyanpur Harauna PACS, for the purpose of insurance of the
farmer. When information was sought from him regarding the
collected amount, he did not give any information. Thereafter, a
case was filed by Krishna Rai before the Information



Commission, Patna, upon which an enquiry was conducted by the Block Development Officer, Motipur, and it was found that the petitioner had failed to produce any document or record pertaining to the collection of funds for farmer insurance and gave an excuse that the record and the documents have been lost for which he did not lodge any *Sanha* nor he handed over the charge to the present Chairman of the PACS.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that from perusal of the FIR, it appears that the allegation against the petitioner is that he did not handover the charge to the newly elected Chairman of PACS and also did not produce any document. It is also alleged that no *Sanha* was lodged regarding the documents which were lost by him. Learned counsel further submits that the allegation against the petitioner is totally false and fabricated as the fact is that the petitioner had already handed over charge of PACS Chairman to one Tribhuwan Prasad Kushwaha on 23.09.2015. It is further submitted that after five years from handing over of charge to Tribhuwan Prasad Kushwaha, the present case has been filed on 04.03.2020. Lastly, it is submitted that the petitioner is an old person having no criminal antecedents.



5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-II, West, Muzaffarpur, in Motipur PS Case No.53 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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