

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15295 of 2024

Arising Out of PS. Case No.-1195 Year-2022 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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PRAKASH PANDEY @ PRAKASH KUMAR PANDEY @ PRAKASH KUMAR S/O- LATE BRAJNANDAN PANDEY AGM KAIMUNA CREDIT CO-OPERATIVE SOCIETY, R/O- MUHALLA- NEYI BASTI MAHADEVA, P.S.- MAHADEVA (O.P.), DIST.- SIWAN.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. RAMOD BHAGAT S/O- LATE CHANDESHWAR BHAGAT R/O- VILLAGE- PHATEHPUR, P.O- PHATEHPUR, P.S.- PAROO, DIST.- MUZAFFARPUR.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajiv Kumar
For the Opposite Party/s : Mr. Brajendra Nath Pandey

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 09-05-2024 1. Heard learned counsel for the petitioner and learned A.P.P. for the State along with learned counsel appearing on behalf of the complainant.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406, 420 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and has been falsely implicated in the instant case by the complainant based on suspicion. It is further submitted that from perusal of the allegation as alleged in the complaint, it would manifest that the



entire allegation is with respect to deposit of money by innocent investors through the complainant in the Kaimuna Credit Co-operative Society at Paroo, Muzaffarpur. It is next submitted that petitioner though was working for Kaimuna Credit Co-operative Society Limited, but then he was not posted at Muzaffarpur rather was posted as Branch Manager at Siwan, It is next submitted that it is not the case of the complainant that the money of the investors was deposited in the account of the petitioner and thereafter was siphoned off, rather the complainant alleges that he was authorized by the cooperative society to deposit money of investors in the cooperative society, based on which, he collected money from the investors and deposited in the account of the cooperative society with the Punjab National Bank at Paroo.

4. The learned counsel for the petitioner next submits that the petitioner is not even aware that as to whether the complainant was authorized by the cooperative society to deposit money on behalf of the investors as he had no concern with the branch of the cooperative society at Paroo. The learned counsel for the petitioner further submits that the order impugned while rejecting the anticipatory bail application of the petitioner has recorded that the petitioner, under a criminal



conspiracy after taking the investors in confidence, got Rs. Two Crores deposited in his account when this is not the case of the complainant, as such, it appears that the order impugned inadvertently records the said fact. It is also submitted that petitioner resigned as Branch Manager of the Co-operative Society at Siwan in the year 2019 and the instant case came to be instituted in the year 2022.

5. Learned A.P.P. for the State along with learned counsel appearing on behalf of the complainant opposes the prayer for anticipatory bail of the petitioner, but then are not in a position to rebut the submissions of the learned counsel for the petitioner that petitioner was posted as Branch Manager of the Co-operative Society at Siwan and he had resigned in the year 2019 while the instant case came to be instituted in the year 2022.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case



is pending/successor court in connection with Complaint Case No. 1195 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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