

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46734 of 2024**

Arising Out of PS. Case No.-75 Year-2021 Thana- BETTIAH CITY District- West
Champaran

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Mukesh Kumar @ Mukesh Kr. Chaudhary Son Of Rambriksh Chaudhary
Resident of Village- Kerma, P.S.- Kudhani (Turki O.P.), Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

6 13-09-2024 Learned counsel for the petitioner submits that in the light of provisions of BPID Act, the offences committed by the Non-banking Finance Company are to be tried by the designated divisional court which in the present case is learned Chief Judicial Magistrate, Muzaffarpur. Learned counsel further submits that he may be permitted to make necessary correction in the prayer portion of the petition regarding satisfaction of the court before which the bail bond in case of grant bail would be furnished.

2. As prayed, learned counsel for the petitioner is permitted to make necessary correction in the prayer portion of the petition in course of the day.

3. Heard learned counsel for the petitioner and learned APP for the State.



4. In the present case, the petitioner seeks bail in connection with Bettiah (Town) P.S. Case No. 75 of 2021 registered on 03.02.2021 for the alleged offences under Sections 406, 409, 420, 467, 468, 471, 472, 120B/34 of the Indian Penal Code and Section 138 of N.I. Act.

5. As per prosecution case, the informant deposited Rs.1,35,901/- in the account of Non-banking Finance Society and the cheque issued in favour of the informant on maturity of the deposit amount were dishonoured due to insufficient fund. The allegation against the petitioner and other co-accused persons is that they are involved in embezzlement of money in this manner by opening the Cooperative Society and duping innocent depositors.

6. Learned counsel for the petitioner submits that the petitioner has no concern with the Cooperative Society in which the informant deposited his money. The petitioner and his family members have been made accused in this case merely due to the fact that the Director of the Society, co-accused Anil Kumar Chaudhary is the brother of this petitioner. Learned counsel further submits that he has brought on record the list of Board of Directors and petitioner is not the Director of the company. Learned counsel further submits that the petitioner is



not even a Promoter of the company. The Board of Directors authorized three persons for withdrawal of the money deposited in the amount of the Society and these three persons are all Directors. So petitioner has got no involvement in any manner in embezzlement of money of innocent depositors. Learned counsel further submits that the petitioner is accused in altogether eight cases of similar nature but the petitioner has been named in these cases in the same manner. Similarly placed co-accused persons granted anticipatory bail as well as regular bail by Co-ordinate Bench and by this Court vide orders dated 20.04.2022, 20.03.2024 and 08.06.2022 passed in Cr. Misc. Nos. 56464 of 2021, 23325 of 2024 and 4031 of 2022, respectively. The petitioner is in custody since 22.01.2024 and charge sheet has been submitted.

7. Learned APP opposes the submissions made on behalf of the petitioner. Learned APP submits that the petitioner is a member of a gang and along with other co-accused persons they have embezzled crores of rupees of poor public and thereby committed offence of forgery and cheating.

8. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the distinct lack of material showing the involvement of the



petitioner in the offence as alleged and further considering the period of custody of the petitioner and submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffapur/concerned Court in connection with Bettiah (Town) P.S. Case No. 75 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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