

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54508 of 2024

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

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Ajay Kumar @ Ajay Yadav Son of Maheshwar Roy R/O Vill.- Itaha
Rasulnagar, Ps.- Sakra, Dist.- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Economic Offences Unit Patna, Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Adv.
For the Opposite Party/s : Mr. Anil Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 20-09-2024 Learned counsel for the petitioner is directed to make

necessary correction in the paragraph 1 and prayer portion of the

petition in course of the day.

02. Heard learned counsel for the petitioner and
learned APP for the State. No one appears for the Economic
Offences Unit.

03. 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 34 of the Indian Penal Code and Section 19
of Bihar Prohibition of Interest and Depositor Act.

04. As per prosecution case, the petitioner and other
co-accused persons have been running a cooperative society in



the name of Swarn India Multi State Credit Cooperative Society Limited Bank which was also accepting deposits. The informant has alleged that he deposited Rs. 4,20,000/- under the deposit scheme of this 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.

05. 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 with the said society as Branch Manager in Muzaffarpur. Moreover, this petitioner resigned from his work on 01.12.2014 and admittedly, the informant started his account on 17.01.2019 i.e. after four 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. Learned counsel further submits that when the non-banking institution was closed at Bettiah. Learned counsel for the petitioner further submits that co-accused Manvendra Singh has been granted bail by this Court vide order dated 13.09.2022 passed in Cr. Misc. No. 66984 of 2021. Learned counsel further submits that the petitioner is in



custody since 16.01.2024 and charge-sheet has already been submitted against him.

06. Learned counsel A.P.P. for the State opposes the submission made on behalf of the petitioner. Learned A.P.P 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.

07. 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. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur/court concerned 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) 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 below, if so required by the learned trial court.

(iii) 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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