

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77225 of 2024

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

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1. Sunita Chaudhary @ Sunita Devi W/o Anil Chaudhary R/o village- Kerma, PS- Kudhani, District- Muzaffarpur
 2. Sonu Kumar @ Sonu Kumar Chaudhary @ Sonu Chaudhary S/o Late Rambriksh Chaudhary R/o village- Kerma, PS- Kudhani, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Economic Offence Units Bihar, Patna

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 29-11-2024 Heard learned counsel for the petitioners and learned

APP for the State. However, there is no representation on behalf

of the Economic Offences Unit, Bihar, Patna.

02. In the present case, the petitioners 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.

03. As per prosecution case, the petitioners 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 petitioners 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.

04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case as they are the wife and the brother of the co-accused Anil Kumar Choudhary, respectively. Learned counsel further submits that the petitioners have no role in the alleged occurrence. From the FIR, it appears that the main accused is Anil Kumar Choudhary who was the Managing Director of the said society and the society was being run by the Managing Committee. The petitioners have no concern with the managerial matters of the Society. So, no liability could be fastened upon the petitioners for defalcation of money of the informant. The petitioners were neither the custodian of the money nor staffs of the Branch. Learned counsel further submits that the co-accused persons have been granted regular/anticipatory bail by this Court or Co-ordinate Bench



vide order dated 13.09.2022 passed in Criminal Misc. No. 66984 of 2021 and order dated 20.03.2024 passed in Criminal Misc. No. 23368 of 2024, respectively. Learned counsel further submits that the petitioners are having antecedent of 8 and 9 cases, respectively and in most of the cases they are on bail. Learned counsel further submits that the petitioners are in custody since 16.01.2024 and charge-sheet has already been submitted against them.

05. Learned APP for the State opposes the prayer for bail. Learned APP submits that the petitioners and other co-accused persons had been collecting money from the people on behalf of the non-banking institution and 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. Moreover, the petitioners are having criminal antecedent of similar nature of offence.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the vague nature of allegation against the petitioners and further considering the lack of substantive material to show the complicity of the petitioners in the whole occurrence and further considering the period of custody and the submission of charge-



sheet, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each 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 petitioners.
- (ii) The petitioners 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 bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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