

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64104 of 2022

Arising Out of PS. Case No.-245 Year-2022 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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MADAN MOHAN PRASAD SINGH S/O Late Shivnandan Singh S/O Late Shivnandan Singh, the Ex-Co-operative Manager, The Nawada Central Co-operative Bank, Nawada, Incharge Kena, Siswan and Bhadokhara PACS, Village Nima, P.S Shekhopur Ssari, District- Sheikhpora, at present New Area Nawada, P.S- Nawada, District- Nawada

... .. Petitioner/s

Versus

1. The State of Bihar
2. Prabhakar Prasad S/O Kameshwar Singh R/O Kachhuara, P.S- Nardiganj, District- Nawada, at present the Nawada Central Co-operative Bank. Ltd, Nawada Brahch Nawada, P.S- and District Nawada

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Bijendra Kumar, Advocate
For the State	:	Mr. Jagdhar Prasad, APP
For the Bank	:	Mr. Bindhyachal Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 04-01-2024 Heard learned counsel for the petitioner, learned counsel for the Bank and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406 and 409 of the Indian Penal Code.

3. The petitioner being PACS Manager of Bhadokhara, Kena and Siswan PACS is said to have misappropriated Rs.14,57,152/- of the Central Co-operative Bank, Nawada.

4. It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been



falsely implicated in this case. It is further submitted that the petitioner was initially appointed as Paid Manager on 14.10.1977 and superannuated from the said post on 31.12.2012. There is inordinate and abnormal delay of 10 years in lodging the complaint petition without assigning any plausible and convincing reason for the said delay, which creates serious doubt about the prosecution case. It is further submitted that after superannuation of the petitioner, a joint audit team have been constituted for auditing by the Central Co-operative Bank, Nawada in the light of letter vide Memo No.10069 dated 02.12.2016 of the Registrar Co-operative Societies. It is further submitted that the joint audit team submitted his report to the Managing Director, Central Co-operative Bank, Nawada vide its letter no.74 dated 06.04.2017 by which total due amount against three PACS have been shown as Rs.5,59,030.00 and the same is liable to be paid by the petitioner. It is further submitted that the period of six years have already been expired as such the same is not recoverable under Section 40 of the Co-operative Societies Act, 1955. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State assisted by learned counsel



for the Bank opposed the prayer for bail. Learned counsel for the Bank further submitted that the petitioner has defalcated huge amount of money of the Bank which was collected from the farmer. Hence, the petitioner does not deserve anticipatory bail.

6. Having regard to the facts and circumstances of the case as well as the fact that there is abnormal delay of 10 years in lodging the complaint petition and also the fact that it is a money dispute which is civil in nature, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Complaint Case No. 245 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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