

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86242 of 2023

Arising Out of PS. Case No.-56 Year-2023 Thana- DEEPNAGAR District- Nalanda

Piyush Kumar, S/O Dinesh Prasad, resident of Village- Meghi Nagma, P.S. Deep Nagar, Dist. Nalanda, Bihar Sharif.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narain, Sr. Advocate
		Mr. Sunil Singh, Advocate
For the Opposite Party/s	:	Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-01-2024 Heard Mr. Rajendra Narain, learned senior counsel for the petitioner and Mr. Parmeshwar Mehta, learned APP for the State.

2. The petitioner, in the present case, is seeking pre-arrest bail in connection with Deepnagar P.S. Case No.56 of 2023 registered for the offences punishable under Sections 379, 406 and 420/34 of the Indian Penal Code. He has got no criminal antecedent.

3. As per the prosecution story, one Ranjeet Kumar Singh gave a written report to the S.H.O. of Deepnagar Police Station on 01.02.2023 alleging therein that in the light of the order of District Cooperative Officer vide letter no.36 dated 11.01.2023, he has filed this written information for committing

financial irregularities and misappropriation of recurring deposits in Meghi Nagma PACS. It is further alleged that in compliance of the direction issued in letter no.10229 dated 20.12.2022 from the office of Registrar, Cooperative Society, Bihar, Patna and on the basis of the joint report of the enquiry team it was found that the office bearer and employees of the said PACS, namely, Dinesh Prasad, Manager Meghi Nagma PACS and his son Piyush Kumar (petitioner), Data Entry Operator were found involved in serious financial irregularities, cheating, removing records of the PACS taking illegal advantage of recurring deposit scheme and misappropriation of public money. It is also alleged that the petitioner was found working in two financial institutions simultaneously and executing agreement illegally relating to property of PACS.

4. Learned senior counsel for the petitioner submits that the father of the petitioner was the Manager of Meghi Nagma PACS. This petitioner was engaged as Data Entry Operator in the said PACS. So far as the allegations made in the FIR are concerned, the allegations are not specific against the petitioner. He was only doing a job to enter data in the computer.

5. It is submitted that so far as the allegation that

while working in the Bandhan Bank the petitioner had been taking salary from the PACS is concerned, the submission is that the petitioner had worked in the Bandhan Bank only for three months and has taken salary for one month only which he would be ready to return.

6. Learned A.P.P. for the State submits that on a bare perusal of the written complaint contained in letter no.22 dated 01.02.2023 it would appear that the present FIR has been lodged after receipt of a report of the joint enquiry team as per direction of the Registrar, Cooperative Society, Bihar, Patna contained in his letter no.10229 dated 20.12.2022. In course of enquiry, the team has found several instances of financial irregularities, misappropriation and falsification of the records in respect of the gold loan scheme of the year 2013. The father of the petitioner was Manager of the PACS and this petitioner was engaged as Data Entry Operator and as such they have been found involved in the alleged falsification of records, financial irregularities and misappropriation etc. The enquiry team has found that this petitioner was receiving salary from two financial institutions at the same time.

7. Having regard to the facts and circumstances of the case, the seriousness of the allegations made in the FIR which is

based on the report of a joint enquiry team and the materials on the basis of which the investigating agency has concluded that the case is true against the petitioner, this Court is not inclined to grant privilege of anticipatory bail to the petitioner. His prayer is refused.

8. In case the petitioner surrenders and prays for regular bail in the learned court below within a period of four weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this Court.

9. This application is dismissed.

(Rajeev Ranjan Prasad, J)

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