

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5306 of 2025

Arising Out of PS. Case No.-146 Year-2017 Thana- SIMRI District- Darbhanga

Wasim Ahmad @ Md. Wasim Ahmad @ Wasim Khan, aged about 46 years (M), Son of Late Shamshuzzoha, R/o - Village- Parasuni, P.S - Benipatti, District - Madhubani, at present Mohalla - Bajitpur Bhardauli, P.S - Nagar, District – Darbhanga

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Alok Ranjan, Advocate
For the Opposite Party : Mrs. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 17-06-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Simri P.S. Case No. 146 of 2017 dated 13.11.2017 registered for the offences punishable under Sections 467, 468, 471, 406, 419, 420, 120B of the I.P.C. and Section 3 of the Bihar Protection of Interest of Depositor Act, 2002.

3. As per the prosecution case, one Madhopur Branch of Bhartiya Sakh Evam Bachat Sahyog Samiti Ltd., is running at Bastwara Bazar since last few years. It is further alleged that all



the employees of the said branch are absconding after closing the branch since last few months which caused trouble to the consumers in depositing and withdrawal of the amount. It is further alleged that the co-accused Diwakar Mehta who is treasurer of the said bank and his son Priyanshu Mehta have appointed some agents who used to open account of about 100 of the villagers and got deposited about Rs. 80,00,000/- which may be verified from the record. On 12.11.2017, in the evening, Diwakar Mehta was removing the furniture and record of the bank which was informed to the local Simri Police Station and the villagers handed over him to the police alongwith all furniture and particulars articles. It is further alleged that whenever the depositors visited the branch then they found the same closed and the treasurer was avoiding either one pretext or the other. When the depositors complained the petitioner who is the Chairman about the same then he replied to approach the treasurer Diwakar Mehta, Wasim Khan and Md. Khurshid Alam who are agents alongwith maturity papers.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the said organization is a co-operative society registered under the Co-operative Society



Act. The petitioner is not the Chairman of the said Samiti. The said Samiti is being governed by its bye-laws which is also registered under the aforesaid provision which is doing its business among its members only and deposit has not been accepted, except the members. It is further submitted that from perusal of the F.I.R., it appears that it has not been mentioned in the F.I.R. that in real the informant and so-called witnesses have deposited any amount in the said Society, then how much amount has been deposited by them and what are their account numbers which falsifies the allegation of the informant as well as the witnesses. It is submitted that the other co-accused person, namely, Diwakar Mehta has already been granted regular bail by the Co-ordinate Bench of this Court in Cr. Misc. No. 5079 of 2018 vide order dated 29.01.2018 and the other co-accused person, namely, Premanshu Kumar Mehta @ Priyanshu Mehta @ Mithu @ Mittu has also been granted anticipatory bail by the Co-ordinate Bench of this Court in Cr. Misc. No. 29399 of 2018 vide order dated 31.05.2018 annexed as Annexure-6 to the present bail application. The petitioner has five criminal antecedents and in two cases, he is on bail and also in two cases stay was granted and in one case notice was issued as stated in paragraph no. 3 of the bail petition. He is in custody in this case



since 29.10.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Darbhanga in connection with Simri P.S. Case No. 146 of 2017 with further conditions:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

II. One of the bailors shall be a close relative of the petitioner who shall give genealogy as to how he is related to the petitioner.

III. The petitioner shall not leave the territory of India without permission of the court and shall hand over the passport, if any



to the State.

7. The application stands allowed.

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(Chandra Prakash Singh, J)

