

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56759 of 2024

Arising Out of PS. Case No.-112 Year-2013 Thana- MOTIHARI TOWN District- East
Champaran

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Dilip Kumar S/O Late Shukhdeo Prasad R/O Mohalla- Sakari Gali, P.S-
Alamganj, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rama Shankar Prasad S/O Surendra Bhagat R/O Village- Kotwa, P.S-
Kotwa, Distt.- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 02-02-2026 Heard the parties.

2.The petitioner is named in the F.I.R. and
apprehending his arrest in connection with Motihari Town
P.S. Case No. 112 of 2013 registered for the offences
punishable under Sections 420, 406, 409, 120(B) of IPC.

3. The allegation against petitioner is to cheat
informant being one of the customer of M/s Swablambi
Co-operative Society Ltd.

4. It is submitted by learned counsel appearing
on behalf of the petitioner that petitioner implicated in



this case only being Branch manager cum secretary of the society. During course of argument, learned counsel for the petitioner drawn attention of this Court toward Annexure-P/3 which is an office order of Bihar Co-operative Society Tribunal, Patna as passed in Miscellaneous Case No. 01 of 2013, where the aforesaid mentioned society was dissolved and notification regarding aforesaid order was published in daily newspaper, whereafter all the customers arrived at a particular point of time before the Branch mentioned in FIR, for withdrawal of their money. It is submitted that out of said chaos and frustration, the present FIR was lodged without even mentioning the amount which was raised to be deposited with co-operative society. It is submitted that the aforesaid order of Co-Operative Society Tribunal was challenged before Hon'ble Court through C.W.J.C. No. 5300 of 2014 where the Hon'ble Court after giving hearing to the petitioner, issued notice and still this matter is pending for adjudication before this



Court. It is submitted that due to pending litigations the account of informant and others depositors were freezed under the Court order, and therefore this petitioner is not in a position to pay informant or to verify the genuineness of his claim in terms of allegation as raised through present FIR.

5. Explaining criminal antecedents, it is submitted that petitioner found involved in four more criminal cases of similar nature arising out of same issues but of different branches, where he is on bail in three cases.

6. Learned APP while opposing the prayer of bail submitted that petitioner actively participated in the occurrence and his responsibility cannot be undermined being Secretary of the society.

7. In view of aforesaid factual submission and by taking note of nature of accusations where the petitioner *prima-facie* not appears able to verify the genuineness of the allegation in terms of informant claims as all accounts



was freezed under court order, accordingly petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Motihari /concerned Court, where the case is pending in connection with Motihari Town P.S. Case No. 112 of 2013, subject to the conditions as laid down under Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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