

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.54413 of 2023

Arising Out of PS. Case No.-505 Year-2021 Thana- PATNA COMPLAINT CASE District- Patna

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Shankar Kumar Son of Jagirath Chaudhary Resident Of Village- Talimpur,
Gopinath, Ps- Barh, Distt- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanjay Prasad Son of Late Nand Kishore Prasad, Resident of Village- Pipaltal
Pacca Kuan, Ward No. 20, Barh Bazar, Po And Ps- Barh, Distt- Patna

... .. Opposite Party/s

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Code Of Criminal Procedure – Sec. 438

Indian Penal Code – Sec. 323, 341, 406, 420, 504 and 506 r/w 34

Pre-arrest bail in connection with a complaint case registered for the offences punishable u/s – 323, 341, 406, 420, 504, and 506 IPC r/w – 34 of the IPC

Petitioner is the agent of share credit co-operating society Ltd. who has not repaid the matured amount of the depositors including Complainants as per the assurance given by the aforesaid society.

Judgment of the Hon'ble Apex Court in Writ Petition(C) No. 191 of 2022(Pinak Pani Mohanty vs. U.O.I. & Ors) was relied.

Held that Petitioner has given undertaking to provide all help to the complainant in getting all the process fulfilled as prescribed in the notification dated 20-06-2023 of the Ministry of Co-operation as well as in terms of the directions of the Hon'ble Supreme Court in W.P.(C) No. 191 of 2022 and has undertaken to produce print out of the 'uploaded claim form' on the portal before the learned court below within a period of 2 weeks.

Provisional bail granted

Direction to the trial court make provisional bail absolute on fulfilling the above condition.

[Para 2, 3 and 11]

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 Patna

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Appearance :

For the Petitioner/s	:	Mr.Manish Kumar Singh, Senior Advocate Mr.Kundan Kumar, Advocate
For the Opposite Party/s	:	M.Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
 ORAL ORDER

2 23-08-2023 Heard Mr. Manish Kumar Singh, learned Senior

 Counsel appearing on behalf of the petitioner & assisted by Mr.
 Kundan Kumar, Advocate and Mr. Ajit Kumar, learned APP for
 the State.

2. The petitioner seeks pre-arrest bail in connection
 with Complaint Case No.505(C) of 2021, registered for the
 offences punishable under Sections 323, 341, 406, 420 504 and
 506 read with Section 34 of the Indian Penal Code.

3. Prosecution story, in brief, is that the petitioner is
 the agent of Sahara Credit Co-operative Society Limited (herein
 after to be referred as the 'Society') and has not re-paid the



matured amount of the depositors including complainants, as per the assurance given by the Society, with respect to Maturity Benefit Payment under Policy No.00050569 on the life of (Life Assured) Client (complainant) (as contained in Annexure-'3'). The detail of agent code (petitioner) is mentioned in the said Policy Bond bearing No.60002296.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner admits that he was the agent of the Society at the relevant point of time when the policy was purchased by the complainant, however the entire amount of the maturity was not returned back to the complainant in terms of the policy purchased by him in time. The account of the Society was freezed by the SEBI and several litigations arosed, which delayed the re-payment of the matured amount to the depositors. The matter relating to disbursement of legitimate dues of the depositors of the Sahara Group of Co-operative Societies was considered by the Hon'ble Apex Court in *Writ Petition (C) No.191 of 2022 (Pinak Pani Mohanty Vs. Union of India & Ors)* and the interlocutory order has been passed by the Hon'ble Apex Court on 29.03.2023, wherein a direction has been passed that out of total amount of Rs.24,979.67 crores lying in the "Sahara-SEBI Refund



Account”, Rs.5000 crores be transferred to the Central Registrar of Co-operative Societies, who, in turn, shall disburse the same against the legitimate dues of the depositors of the Sahara Group of Co-operative Societies, which shall be paid to the genuine depositors in the most transparent manner and on proper identification and on submitting proof of their deposits and proof of their claims and to be deposited in their respective bank accounts directly.

5. Learned counsel for the petitioner further submitted that in compliance of the Hon’ble Apex Court direction, the Ministry of Co-operation vide notification dated 20th June 2023 has directed for re-payment of the matured amount. Learned counsel has brought on record the said notification by way of **Annexure ‘5’** to the bail application. He submits, in compliance thereto, the petitioner will be paid the matured amount.

6. He further submitted that so far allegation of assault and ill-treatment against the petitioner is concerned, the same has been alleged to pressurize the petitioner.

7. It has been informed by the learned counsel for the petitioner that the Zonal Chief, Sahara India, Bihar has directed to all the Managers and the functionaries of different Branches in the State to facilitate the payment process by extending all



help in getting their matured amount to the *bona fide* depositors in the light of judgment of the Hon'ble Apex Court as well as the Central Government notification as contained in Annexure - '5'.

8. Learned counsel submits that in the present case, the net payable amount is Rs.51,875/- and the petitioner has undertaken to provide proper assistance to the complainant in uploading the requisite documents and papers as required on the Portal. Learned counsel has given helpline number of the Society as well as the process required in return of the matured amount to the depositors. The same is re-produced hereinafter for the purpose of all the general public as follows : -

“Sahara India Cooperative Refund Process

1. Open the Portal: <https://mocreftund.crcs.gov.in>
2. Click Depositors Registration on Home page of the portal
3. Enter Adhar Number and Mobile Number
4. Click on Send OTP button and enter the OTP
5. After Registration, Click on Login button
6. Again Enter ADHAR Number and Mobile Number and enter OTP
7. After reading the terms and conditions, Click on 'I Agree'
8. Check details of your date of birth, name of your bank etc.
9. Fill up the Claim Form with Deposit Certificates/Passbook.
10. Enter Name of Society, Membership Number, Deposit amounts.
11. Show status of Loan or Partial Payment received.
12. Give details of PAN, if the claim amount is more



than Rs. 50,000/-

13. Enter all the details of all your deposits as the claim can be lodged only once. After Verification, Download the Claim Form.
14. Paste your latest photograph and put your signature on the downloaded form
15. Upload the Claim Form.

Patna Help Line Number: 0612-2532357.”

9. The petitioner has undertaken to provide full co-operation to the complainant in getting all the formalities of uploading the claim form on portal within a period of two weeks and thereafter he will produce print out of the uploaded claim form before the learned court below. On these grounds, the petitioner seeks to be released on bail.

10. Learned APP appearing on behalf of the State has opposed the pre-arrest bail.

11. Having considered the rival submissions made on behalf of the parties as well as the fact that the petitioner has given undertaking to provide all help to the complainant in getting all the process fulfilled as prescribed in the notification dated 20th June, 2023 of the Ministry of Co-operation as well as in terms of the direction of the Hon’ble Supreme Court in Writ Petition (C) No.191 of 2022 and has undertaken to produce print out of the “uploaded claim form” on the portal before the learned court below within a period of two weeks, this Court



directs the learned court below to release the petitioner on provisional bail in connection with Complaint Case No.505(C) of 2021 and on fulfilling all the conditions within the aforesaid period of two weeks, the court below is directed to make the provisional bail absolute on such terms and conditions as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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