

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13857 of 2015

Arising Out of PS.Case No. -196 Year- 2013 Thana -KHAGARIA District- KHAGARIA

Dinesh Kumar Gupta, Son of Yamuna Prasad, Resident of Mohalla -
Bishwanathganj, P.S.- Khagaria (Town), District - Khagaria

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Shakib Ayaz, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

3 23-07-2015

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks anticipatory bail in connection
with Khagaria (Town) P.S. Case No. 196 of 2013 registered
under Sections 406, 409, 420 and 120B read with 34 of the
Indian Penal Code.

It is contended that initially a complaint case was
instituted which was referred to the police under Section 156(3)
of the Code of Criminal Procedure for investigation pursuant to
which the FIR was instituted.

It has further been contended that the offences



alleged against the petitioner under Sections 420 and 406 of the Indian Penal Code are not made out inasmuch as there is no allegation in the entire compliant that there was any intention to cheat the complainant or any other investor from the inception at the time of entering into agreement and mere failure to keep a promise subsequently cannot be presumed to be an act constituting an offence of cheating or criminal breach of trust. It has further been submitted that Bank Karamchari Swawalambi Sahkari Samiti has been dissolved by the Bihar Sawawalambi Sahyog Samiti, Bihar vide its letter bearing Memo No. 5661 dated 05.12.2013 and the District Magistrate has been made custodian of the said Society. The District magistrate, Patna-cum-Custodian of the Society has issued a general notice in the daily newspaper that if anybody has any grievance or claim, he may approach and file claim before the Assistant Custodian, namely, Sri Kameshwar Thakur in the office of the District Account Officer, Patna till 30.04.2014 for redressal of their claim.

Learned APP for the State has opposed the prayer for anticipatory bail.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender in the court below

within a period of six weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria in connection with Khagaria (Town) P.S. Case No. 196 of 2013 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

Sanjeet/-

U		T	
---	--	---	--