

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17346 of 2015

Arising Out of PS.Case No. -142 Year- 2014 Thana -DESARI District- VAISHALI(HAJIPUR)

Nemat Ali @ Nehmat Ali Son of Md. Raza Ahmad, B.D.M., Incharge of Bihar, Falkon Industries India Ltd., Resident of Mohalla- Marwari Bazar, Samastipur, P.S. Samastipur, District- Samastipur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Prakash Shrarma, Advocate.

For the Opposite Party/s: Mr. Rajendra Pd. Nat(APP)

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 25-06-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for offence under Sections 420 and 406/34 of the Indian Penal Code and admittedly that the petitioner was an employee of a non-banking company which had no licence of the Reserve Bank of India and yet was entering into transaction by collecting money from people at large, who now stand defrauded of a huge sum of Rs. 8 lacs, which is the subject matter of the present case, this Court is not inclined to grant privilege of anticipatory bail only because the petitioner claims that the informant also at some point of time was an employee of the said company and that the liability for such fraud by way of non-return of the deposited amount with the non-banking company is only against other two co-accused

persons. The fact that the petitioner also had accepted the deposited amount, which has not been refunded to the aggrieved persons including the complainant is admitted and therefore this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

The prayer for anticipatory bail of the petitioner is hereby rejected.

The petitioner may surrender and make prayer for regular bail which shall be decided by the court below on its own merit without being prejudiced anything made in this order.

(Mihir Kumar Jha, J)

Sujit/-

U			
---	--	--	--