

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43154 of 2014

Arising Out of PS.Case No. -163 Year- 2014 Thana -SUPAUL District- SUPAUL

- =====
1. PARNAV KUMAR SINGH @ PARNAV KUMAR S/O NEELAM KUMAR SINGH
 2. NEELAM KUMAR SINGH S/O LATE UDAY NARAYAN SINGH
ALL RESIDENTS OF VILLAGE - TULAPATTI, P.S. - PIPARA,
DISTRICT – SUPAUL.

.... PETITIONER/S

VERSUS

1. THE STATE OF BIHAR
2. RAVI RANJAN PANDEY S/O SRI SUBHASH PANDEY VILL.-
NARNAIYA, POST - MIRGANJ, P.S. - MIRGANJ, GOPALGANJ

.... OPPOSITE PARTY/S

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Appearance:

For the Petitioner/s : Mr. Shashi Kant Kumar, Adv.
For the Opposite Party/s : Mr. Suresh Prasad Singh (App)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

5 02-07-2015

Heard learned counsel for the petitioners, learned

Additional Public Prosecutor assisted by learned counsel for the
informant.

It happens to be a case wherein informant has been
deceived substantial amount on the pretext of providing service by
the petitioner no.2 which was facilitated by the petitioner no.1,
who happens to be son of petitioner no.2 who, once upon a time
was room partner of informant during college days. Furthermore,
similar kind of offence was committed by the accused for which
Supaul P.S. Case No. 244 of 2009, Madhepura P.S. Case No.767
of 2010 were filed in which accused were under custody.

In the background of being kind over payment of a
sum so alleged liberty has been given by the Hon'ble Apex Court

during course of consideration of anticipatory bail, a query was made whether petitioners are ready to return back the amount which has been replied by learned counsel for the petitioners in evasive manner and on account thereof, the case has been heard on its merit and is being disposed of.

It has been submitted on behalf of petitioner that whatever allegation has been attributed are false and frivolous. It has been submitted that informant was engaged as Assistant Manager and during course thereof, while discharging his function he misappropriated a sum of Rs.7,16,080/- along with others and for that, petitioner no.2 had filed Complaint Petition No.469(c) of 2014 whereupon Supaul P.S. Case No.207 of 2014 has been instituted (Annexure-2). That being so, it is a fit case wherein petitioner should be released on an anticipatory bail.

Furthermore, it has also been submitted that there happens to be inordinate delay in filing of instant case without any cogent explanation. It has also been submitted that there happens to be no allegation of any kind so far petitioner no.1 Parnav Kumar Singh @ Parnav Kumar is concerned hence, his case is distinguishable from petitioner no.2.

The learned Additional Public Prosecutor assisted by learned counsel for the informant opposed the prayer.

Gone through the record. From annexures having



attached with the written report more particularly page no.30, it is evident that informant was picked up as an Assistant Manager on a monthly salary of Rs.5450/- and the aforesaid letter has been issued on 16.08.2012 itself on which date, as per written report, informant was at the head office. Subsequent thereof, whether informant discharge his duty under Koshi Kshetriya Development Central Cooperative Savings and Credit Swablambi Sahkari Samiti Ltd. shrouds under ministry as no document has been attached herewith. Apart from this, although from Annexure-2 it is apparent that petitioner no.2 had filed complaint petition but the status of institution he failed to disclose whether it was established after obtaining license granted by the Reserve Bank of India or SEBI or NAWARD because of the fact that page no.30 as referred above speaks that henceforth increase in salary as well as payment of other emoluments will be in terms of guideline prescribed by the RBI as well as Nabard. Not only this, from the written report itself it is evident that informant began to deposit amount right from the year 2010, whatever the quantum has while the page no.30 speaks about issuance of appointment letter in the year 2012, which has not been denied. Hence establishment of institution clear cut suggest act of ponzy. Furthermore, it is evident that petitioners happens to be accused in five more cases of similar nature.

With regard to petitioner no.1, it is apparent that he was the person who induced the informant and further to show genuineness in his conduct, had taken the informant to his place and subsequent thereupon, under his allurements the subsequent event visualized. That being so, prayer for anticipatory bail is rejected.

(Aditya Kumar Trivedi, J.)

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