

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39576 of 2015

Arising Out of PS.Case No. -87 Year- 2014 Thana -JAYNAGAR District- MADHUBANI

Subhash Kumar Yadav @ Subhash Kumar @ Subhash Yadav, Son of
Hukumdeo Yadav, resident of Chhapradhi, P.S. - Khajouli, District -
Madhubani.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Gagan Deo Yadav, Advocate.

For the Opposite Party : Mr. Uday Pratap Singh (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-09-2015 Heard learned counsel for the petitioner and learned
counsel for the State

The petitioner is apprehending his arrest in connection with
Jay Nagar P.S. Case No. 87 of 2014 for the offences instituted
under Sections 406, 420, 120(B), 467 and 471 of the IPC.

The prosecution story, in brief, is that the accused Rajesh
Kumar and Kunal Singh in collusion with each other open a Non-
Banking Institute at Shahid Chowk, Jainagar, on 15.08.2012 in the
name and style of “*Jagrat Bharat*” after taking a building on
monthly rental and accused Birendra Kumar Sah was appointed as
Branch Manager and this petitioner was appointed as Cashier of
the said Institute and the petitioner Kunal Singh was made



Director of the Institute and several persons of different Villages appointed as agent of the said Non-Banking Institute, their names have been mentioned in the complaint petition in detail, got deposited Rs. 1,00,00,000/- from the public in general and when the time of maturity came the accused persons became absconder on 25.03.2014 with the cash and documents of the Institute. It is further alleged that the accused persons used to give assurance of payment to the agents and informed that “*Jagrat Bharat*” has been merged with Mutual Benefit Ltd. In this way, the accused persons committed fraud and cheat the public as well as the agents and misappropriated and defalcated their deposited amount. It is further alleged that when the informant alongwith other agents put pressure upon the accused Birendra Kumar Sah, then he executed an agreement in the Civil Court, Madhubani, and thereafter, became underground.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. It is also submitted that the petitioner has been made accused in the present case due to mistake of fact. The petitioner is simply a cashier in Non-Banking. There is no wrongful gain made on the part of the petitioner. It is further submitted that the petitioner is ready to deposit an amount of Rs. 15,000/- in the court below which shall be subject to final

disposal of the case.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that the petitioner shall deposit an amount of Rs. 15,000/- in the court below which shall be subject to final disposal of the case and on doing so, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of four weeks from today in connection with Jay Nagar P.S. Case No. 87/2014 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Madhubani, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)