

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 47672 of 2015

Arising Out of PS.Case No. -73 Year- 2015 Thana -KARJA District- MUZAFFARPUR

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Mahesh Mahto @ Mahesh Kumar Son of Late Ramdeo Mahto Resident of
Village Karja, P.S. Karja, District Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

4 09-11-2015 Heard learned counsel for the petitioner,

learned A.P.P. for the State and learned counsel for the

informant, who has suo motu appeared.

The petitioner apprehends arrest in Karja P.S.

Case No. 73 of 2015 dated 09.07.2015 instituted under

Sections 406/420/504/506/511 of the Indian Penal Code.

The allegation against the petitioner is that he

being the agent of a company, was instrumental in the

informant investing in a scheme in which Rs. 5000/- per

month had to be deposited but later on the company is said to

have closed its shop and had run away with the money of the

informant and other investors.

Learned counsel for the petitioner submits

that he was only an introducer and that too at the very first

instance and later on for the next 11 installements, the

informant had himself deposited the money with the company

and even the petitioner has filed a case against the company which had closed shop. It is submitted that the petitioner has no criminal antecedent.

Learned A.P.P. and learned counsel for the informant oppose the prayer for anticipatory bail. It is submitted that as per the F.I.R., it was the petitioner who represented himself as an agent and the money was also being deposited in the company through him and only for the first three installements, original receipt were given and for the rest, photostat copies of the receipt had been given. It is submitted that the petitioner cannot shirk his liability.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

The application, accordingly, stands dismissed.

However, in the event the petitioner surrenders and prays for bail before the Court below, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

P. Kumar

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