

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54542 of 2015

Arising Out of PS.Case No. -2912 Year- 2014 Thana -SARAN COMPLAINT CASE District- SARAN

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1. Keshaw Lal Srivastava @ Keshaw Prasad Srivastava, Son of Late Thakur Prasad Srivastava, Resident of Village- Semariya Khurd, Police Station- Revelganj, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Subhash Kumar Rai, Son of Late Ramjeet Rai, Resident of Kashi Bazar, Police Station- Bhagwan Bazar, District- Saran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash

For the Opposite Party/s : Mr. Md.Iftekhari Mahmood(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-12-2015 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken under Section 420 of the Indian Penal Code and 138 of N.I. Act.

The prosecution case is that after hearing that co accused Sabir Khan, Aamir Khan and Talat Praveen opened a non-banking financial company namely Prime Future Real Estate, several persons including the complainant invested. Subsequently, it was found that the

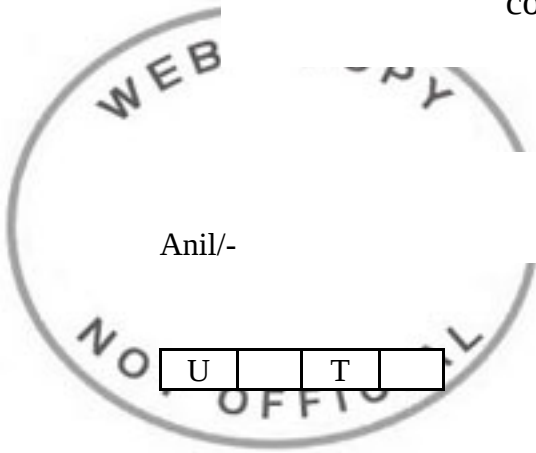
company was running the business unauthorizedly. The other investors and the complainant asked for invested money when cheque of Rs.55,98,458/- was issued by co accused Sabbir Khan and Talat Praveen which got bounced. It is alleged against the petitioner that he handed over the cheque to the complainant.

It is submitted by the learned counsel for the petitioner that the petitioner is not in any way connected with the Prime Future Real Estate. There is nothing on record to suggest that the cheque was handed over to the complainant by the petitioner. Ultimately, the investment was made with the company and the cheque was issued by the above two persons being Managing Director and Chief Managing Director hence no case under section 420 of the Indian Penal Code and 138 of N.I. Act is made out.

Considering the aforesaid facts, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned JM Ist Class, Saran at Chapra, in connection with



Complaint Case No. 2912 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.



(Dinesh Kumar Singh, J)