

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36544 of 2015

Arising Out of PS.Case No. -216 Year- 2014 Thana -KANKARBAGH District- PATNA

Surendra Choudhary @ Surendra Kumar @ Madhu, s/o Late Panalal R/v
Diwan Mohalla, Hamampar, P.S. Khajekala, Distt. Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha

For the informant : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Parmanand Pd.(App)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 01-12-2015

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner seeks bail in connection with
Kankarbagh P.S. Case No. 216 of 2014, G.R. No. 3397 of 2014
registered for the offences punishable under Sections 420, 419,
406, 34 of the Indian Penal Code.

Allegedly the petitioner and his wife started taking
money from various persons on the plea to invest in share market
to give handsome interest and refund and
took Rs. 7.50 Lac from the informant, Rs. 45 Lac from her
husband and children and similarly from others, totaling about Rs.
two crore and started avoiding and lastly refused to return the
same.

Submission is of false implication and there is no proof



for investing such huge amount. It is not stated as to how Rs. 45,00,000/- was arranged by the husband and children of the informant. It was the duty of the informant and others to collect the share certificate after investment in the share market. During investigation no cogent and concrete material has come, there is general and omnibus allegation. The wife of the petitioner has been allowed bail vide Criminal Misc. No. 35881 of 2014 vide order dated 02.03.2015 and the petitioner suffering in custody since 19.06.2014, deserves sympathetic consideration.

The learned A.P.P. duly assisted by learned counsel for the informant seriously opposes the prayer of bail by submitting that the petitioner has cheated the informant and others at the tune of Rs. two crore and, as such, he does not deserve bail. During investigation witnesses have supported the allegation and supervising authority has also found the allegation true and then the accounts of the petitioner and his family members have been freezed but there is no amount in those account.

In the facts and circumstances stated above, considering the case of the petitioner different from his wife as against the petitioner there is serious allegation for cheating several innocent and poor persons and, as such, this Court is not inclined to enlarge the petitioner on bail and, his prayer stands rejected.

However, the trial court is directed to expedite the trial and conclude the same as early as possible, preferably within nine months, failing which the petitioner will be at liberty to renew his prayer for bail.

(Jitendra Mohan Sharma, J)

sushma/-

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