

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42659 of 2014

Arising Out of PS.Case No. -349 Year- 2014 Thana -SAHAYAK NAGAR District- KATIHAR

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1. Roshani Devi Wife of Deo Kishore Ram R/o Mohalla-Baghwabari, P.S.-
Katihar Muffasil, District-Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.43064 of 2014

Arising Out of PS.Case No. -349 Year- 2014 Thana -SAHAYAK NAGAR District- KATIHAR

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1. Ashok Bhagat, son of Raghunath Bhagat, resident of Mohalla Officer's
Colony, Near Pole Factory, P.S.- Katihar Sahayak, District- Katihar.
2. Deo Kishore Ram, son of Late Yaduvanshi Ram, resident of Mohalla
Bhagawabari, P.S.- Katihar Mofassil, District- Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.43801 of 2014

Arising Out of PS.Case No. -349 Year- 2014 Thana -SAHAYAK NAGAR District- KATIHAR

- =====
1. Raj Kumar Ram Son of Sri Basudeo Ram Resident of Village-
Hridayganj Shivaji Colony, Police Station- Manihari, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.42659 of 2014)

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Mr. Smt.Asha Kumari(App)

(In Cr.Misc. No.43064 of 2014)

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Mr. Zainul Abedin(App)

(In Cr.Misc. No.43801 of 2014)

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Ram Anurag Singh(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL

ORAL ORDER

2 21-04-2015

All the three applications arise out of Katihar P.S. Case No. 349 of 2014 registered under Sections 406, 420 and other allied sections of the Indian Penal Code. They have, therefore, been made analogous and heard together and the order present will govern them.

Heard Mr. Mishra in support of the first two applications, Mr. Kumar in support of Cr. Misc. No. 43801 of 2014 and learned APP for the State.

Precisely, the allegation is that huge amount of money was deposited with Ambition Agro Activation India Ltd registered with the Government of West Bengal by opening bank accounts. On maturity, when the amount was demanded, the petitioners, being the employees of the Company, did not pay the amount and instead threatened to assault them and implicate in case. The amount of the depositors including the informant was misappropriated in this manner.

Both the counsels have submitted that except this allegation made in the complaint, nothing has been annexed with the First Information Report showing deposit of the amount. The petitioner of Cr. Misc. No. 42659 of 2014 is the house wife. Her husband was an employee. Petitioner of Cr. Misc. No. 43801 of

2014 had already submitted resignation from the said Company before lodging of the case.

Learned A.P.P., on the other hand, submits that several depositors have been cheated by this Company of which the petitioners are alleged to be the employees. They motivated the depositors to make deposits. The contention of the petitioners that the money can be realized through civil proceeding is not correct as if the facts disclosed criminality, then a criminal case can always be lodged and persuaded.

In my view, the allegations made against the petitioners and the facts reflected from the record including the impugned order does not deserve them to be enlarged on bail. Their prayer is rejected. This is in respect of petitioners of Cr. Misc. No. 43064 of 2014 and Cr. Misc. No. 43801 of 2014.

In so far as petitioner of Cr. Misc. No. 42659 of 2014 is concerned, in the event of arrest or surrender in the Court below within four weeks, she (Roshani Devi) is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Katihar Town (Sahayak) P.S. Case No. 349 of 2014 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with

the further following conditions:

(I) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default on two consecutive occasions without any cogent/satisfactory reason, the bail bond of the petitioner shall be cancelled and thereafter the Trial Court will be at liberty to secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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