

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 47631 of 2015

Arising Out of PS.Case No. -142 Year- 2014 Thana -DESRI District- VAISHALI (HAJIPUR)

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Ajay Kumar Son of Churawan Rai, resident of village - Rampur Chikni,
P.S. - Desri, District - Vaishali, Branch Manager Fulcon Industries India,
Ltd. Desri.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Adv.

For the Opposite Party/s : Mr. Md. Arif, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

4 05-11-2015

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

The petitioner apprehends arrest in Desri P.S.
Case No. 142 of 2014 dated 09.06.2014 instituted under
Sections 420/406/34 of the Indian Penal Code.

The allegation against the petitioner and one
another is that they had taken money for being deposited in
the Company and later on when the time came for maturity
the office was found closed and they refused to return the
money.

Learned counsel for the petitioner submits that
he was employed in the Company as a Business Development
Manager at Desri and his only role was to survey and assist
the areas to open branches of Company for collection. Learned
counsel submits that in fact he himself has been duped by the



Company as his salary of Rs. 5000/- per month has not been paid for a very long time and the Company has shut down its office in the year 2012 itself and the landlord has locked up the premises keeping back all the documents and other articles under his lock and key. Learned counsel submits that the petitioner has clean antecedent and he is not beneficiary of any money which may have been deposited in the Company. Learned counsel submits that he is ready to deposit the principal amount which may have been deposited during his tenure in his branch.

Learned counsel for the State submits that at the instance of the petitioner, common men had deposited their money and now when the Company has been found to be fake, even if it is assumed that he was only a functionary of the Company, he cannot be absolved of his responsibilities as it was his duty to ensure, prior to convincing people to invest money, about the *bona fide* of the Company.

The Superintendent of Police, Vaishali shall ensure that the case is properly investigated and shall determine as to what amount was deposited in the Company through the petitioner. The said exercise shall be completed within one month. It goes without saying that the petitioner shall co-operate in the investigation and for determining the liability the materials produced by him shall also be taken into consideration. The amount indicated from the said investigation as the liability of the petitioner shall be deposited by him within one month thereafter. The same shall be without

prejudice to the rights and contentions of the petitioner in the trial.

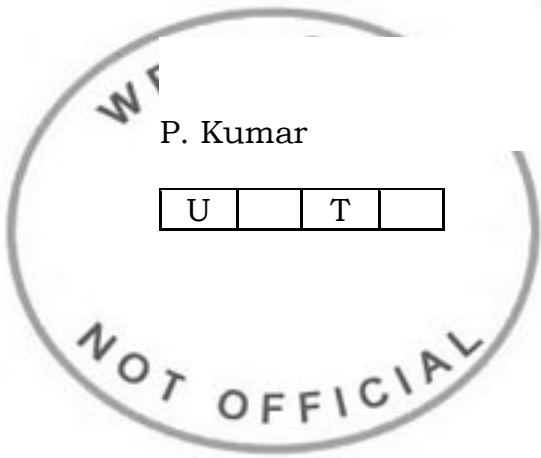
The entire exercise be completed within two months and a report submitted by the Superintendent of Police, Vaishali before the Court below. The petitioner shall also file an affidavit before the Court below enclosing materials to show that such amount has been deposited in the Government Treasury. If the Court finds that the petitioner has deposited the amount as shown in the report of the Superintendent of Police, Vaishali in terms of the direction given above, he shall be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in Desri P.S. Case No. 142 of 2014, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

For the next two months, for completion of the exercise as indicated in the order above, no coercive steps shall be taken against the petitioner in connection with Desri P.S. Case No. 142 of 2014 pending before the Court below at Hajipur (Vaishali). In the event of failure on the part of the petitioner to comply with the directions indicated above, the prayer for anticipatory bail to the petitioner shall be deemed to have been rejected.

The application stands disposed of in the aforementioned terms.

Registry shall communicate the order to the

Superintendent of Police, Vaishali by Fax also latest by tomorrow.



(Ahsanuddin Amanullah, J.)