

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11603 of 2016

Arising Out of PS.Case No. -523 Year- 2015 Thana -KOTWALI District- PATNA

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1. Narayan Thakur, son of Baleshwar Thakur, resident of Invest Care, Vishal Mega Marg, 2nd Floor, Fraser Road, P.S. Kotwali, District- Patna.
 2. Priya @ Priya Ranjan, wife of Ashutosh Kumar, Invest Care, Vishal Mega Mart, 2nd Floor, Fraser Road, P.S. Kotwali, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Birendra Pd. Singh, s/o late Sri Ram Singh, House no. – 28, Ganesh Path Shivpuri, near Sai Mandir, Patna - 23

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh,
For the Opposite Party/s : Mr. B.N. Pandey (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 27-06-2016 Heard both sides.

The petitioners apprehend their arrest in Kotwali P.S.
Case No. 523/15, registered for the offence punishable under
Sections 409, 420 and 34 of the Indian Penal Code.

The informant alleged that the petitioners are Regional
Manager and Assistant of Suparas Homes Pvt. Ltd. and they
persuaded and convinced the informant and his son to invest
money in the company for good return. The informant and his son
invested huge amount of Rs. 15,75,000/-, but the money was not
returned.

It is submitted that petitioners are the officials of the



company. Petitioners of course received the cheque from the informant and his son, but the same was deposited in the account of the company, as it appeared from annexure 2 and 3 agreement paper annexed with and duly signed by the informant and his son and Shri Shyam Sharma Director of the Company. It is submitted that the petitioners have not misappropriated even a single farthing. Now the company is not in a position to return the money, for which the petitioners could not be held responsible.

On the other hand, learned counsel for the informant however vehemently opposed the prayer for anticipatory bail and submitted that it was the petitioners who convinced the informant and invested the money, but money has not been returned.

Petitioners caught by the police and he submitted vide annexure A at page 40 that he would return the money and if he fails to return the money then the same shall be realized from the immovable property of the petitioner no. 1 or of the Company. Petitioners are the officials of the company they have not defalcated even a single farthing from the amount given by the informant and his son. The cheques given by the informant and his son were deposited in the account of the company Suparas Homes Pvt. Ltd. The company is liable to pay or return the money to the informant and his son.

Considering the facts aforesaid, the petitioners above-named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Patna in connection with Kotwali P.S. Case No. 523/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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