

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21230 of 2016

Arising Out of PS.Case No. -62 Year- 2015 Thana -KOTWALI District- MUNGER

1. Dinesh Kumar aged 36 years
2. Shiv Nandan Kumar aged 30 years
Both sons of Baijnath Saw, Resident of Mohalla - Subhash Nagar, PS-
Kotwali, District Munger.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate.
For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 20-07-2016 Heard both sides.

The petitioners, namely, Dinesh Kumar and Shiv Nandan Kumar, apprehend their arrest in Kotwali P.S. Case No. 62/2015 (G.R. No. 478/15) registered under Sections 420, 406, 504/34 of the Indian Penal Code.

The informant alleged that the petitioners persuaded him and his wife to deposit money in Prayag Infotech Hi-Rise Limited and they deposited Rs. 53,000/- but the company was closed. It is submitted that the petitioners are agents of the company and they also deposited one lac sixty four thousands in the company. The receipts showing deposit of money by the informant and his wife were already given to the informant. The aforesaid company is returning money to its subscribers and for



refund of money to its subscribers, Title Suit No. 11680 of 2013 is pending before the 5th Civil Judge (Jr. Divn) at Alipore, South 24 Parganas, West Bengal. The company has undertaken to refund the entire money to its subscribers vide Annexure - 3. The petitioners are ready to deposit Rs. 25,000/- in fixed deposit which will be subject to the result of the case. Learned counsel for the informant, however, opposed the prayer for anticipatory bail.

It appears that the petitioners were agents of Prayag Infotech Hi-Rise Ltd. and they got deposited Rs. 53,000/- from the informant and his wife in the said company and handed over the receipts but the office of the company situated at Munger was closed. It appears from Annexure – 3 that the company is refunding money to its subscribers. The informant may approach the company for refund of money The petitioners are ready to deposit Rs. 25,000/- subject to the result of the case.

Considering the facts aforesaid, the above named petitioners, in the event of their arrest or surrender before the learned 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, Munger in

Kotwali P.S. Case No. 62/2015, subject to the conditions as laid
down under Section 438(2) of the Code of Criminal Procedure.

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(Prabhat Kumar Jha, J)