IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29393 of 2016

Arising Out of PS.Case No. -543 Year- 2015 Thana -PHULWARI District- PATNA

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Md. Sabbir @ Md. Raju, aged about 65 years, son of Late Umar Abdul Karim @ Kuddus, R/o Village- Ishopur, Purani Masjid, P.S.- Phulwarisharif, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. D.K. Sinha, Sr. Advocate and Mr. Mr. Shailesh Kumar, Advocate.

For the Opposite Party : Smt. Sucheta Yadav, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

5 24-10-2016 Heard learned senior counsel for the petitioner, counsel for the informant and learned counsel for the State.

The petitioner is languishing in custody since 20.03.2016 in connection with Phulwari Sharif P.S. Case No. 543 of 2015 for the offences instituted under Sections 420, 406, 467, 468, 471, 120(B) of the IPC and 11 of the Cheat Fund Act.

The prosecution story, in brief, is that this petitioner and others induced the complainant/informant that if he will deposit Rs. 2,00,000/- then he will get Rs. 5,000/- monthly interest and on expiry of maturity period of seven years. Rs. 2,00,000/- will increase as Rs. 6,00,000/- and it was further assured that Rs. 60,000/- would increase as Rs. 1,80,000/- and it would be returned to him. It was also assured that if the informant would accept gold and silver coins then the monthly interest would be minimize. Thereafter, the accused persons took Rs. 2,60,000/- and gave two certificates. The agreed interest Rs. 5,000/- and Rs. 1500/- were not paid to the informant then he believed that the accused persons fraudulently took Rs. 2,60,000/- and issued forged certificates. When the informant demanded his money they refused to pay the same.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 20.03.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. He has been made accused in the present case due to mistake of fact. He has falsely been implicated in the present case. He has got no concern with the said Non-Banking Finance Company created by his son. Further, paragraph nos. 10, 11 and 38 of the case diary have been relied by learned senior counsel for the petitioner.

On behalf of learned counsels for the State and the informant, it has been submitted that the petitioner is named in the F.I.R. and there is specific allegation of inducement against this petitioner for depositing money in the said Bank and an amount of Rs. 2,60,000/- was taken by the petitioner with an assurance that three times of the amount will be returned after six years. In paragraph no. 10, it has been alleged by the witness that he has also deposited Rs. 2,00,000/- with the so-called Non-Banking Finance Company of the petitioner/his son. In paragraph no. 11 also the similar statement of another witness has come who has deposited Rs. 55,000/- in the said bank in question. In paragraph no. 38 the informant has supported the allegations made in the FIR/complaint.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner at this stage. The same is rejected in Phulwari Sharif P.S. Case No. 543/2015, pending in the court of the learned J.M. Ist Class, Patna. The court below is directed to expedite the trial.

U.K./-

(Sudhir Singh, J)

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