

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42934 of 2015

Arising Out of PS.Case No. -244 Year- 2014 Thana -GANDHIMAIDAN District- PATNA

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Purshottam Kumar Gupta Son of Late Badri Prasad Gupta, Resident of 95,
Regency Garden, NewPatliputra Colony, P.S. - Patliputra, District - Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. P.K. Sahi, Sr. Advocate

Mr. Bipin Kumar, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma (APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 29-03-2016 Heard learned Sr. counsel for the petitioner and learned
counsel for the State.

Earlier case diary of the present case was called for,
which has since been received.

The petitioner apprehends his arrest in connection with
Gandhi Maidan P.S. Case No. 244 of 2014 registered for the
offences punishable under Sections 419, 420, 467, 468, 471,
120(B) of the Indian Penal Code and Sections 66, 72 and 75 of
the I.P. Act.

Learned Sr. Counsel appearing on behalf of the
petitioner submits that an FIR was lodged by the Officer In-charge
of Gandhi Maidan P.S. stating that the gang was acting which
was doing Hawala business and that they were likely to approach
Mona Cinema. On suspicion, one Ranjit Kumar was taken into



custody and from his possession 26 ATM cards were recovered from one pocket and 10 ATM cards were recovered from another pocket including a cash to the tune of Rs.40,000/-. It was on the basis of the confessional statement made by the said Ranjit Kumar before the police, it came to light that he used to get information and direction from Pakistan and certain phone numbers of foreign countries were also found in his Mobile phone. The said Ranjit Kumar in his confessional statement further gave information that the money was paid by him to two persons namely, Paramhans Pathak and Sunil Kumar. Both of them were employees of the petitioner's company and in which he was the Director.

In the confessional statement made before the police by co-accused, it came to light that the petitioner, was Director of the company, which runs in the name and style as Kampar Concost Ltd.

Learned Sr. Counsel for the petitioner further submits that the aforementioned company, in which, the petitioner is one of the Director, is a duly registered company with the Registrar of companies since the year 1995 and is in the production of all kinds of alloys, iron and steel, rolling materials and egnots. It has its registered office at N.P. Centre and the factories are located at Bihta. It has been further submitted that at present the company



has a huge turn over of Rs. 32 crores annually. The petitioner is a responsible Director and has been conducting a business of the company with all honesty and integrity and has been regularly paying electricity bills more than 1 crore per month. It has been further submitted that though the investigation has been continuing against the petitioner for the past two years, no substantial or cogent material has emerged so as to raise finger at the complicity of the petitioner in the alleged offence. It has been further submitted that no incriminating material has surfaced in the case diary against the petitioner till date. As such, the petitioner may not be prosecuted on the basis of the confessional statement, made before the police by the co-accused, which has no evidentiary value.

Learned counsel for the State after perusal of the case diary submits that though in the confessional statement, it has been stated by the co-accused Ranjit Kumar that all transactions were made by him at the instance of the petitioner but no further cogent material has emerged so as to indicate and endorse the statement, made before the police.

In view of the aforesaid facts and circumstances and considering the fact that the petitioner is the Director of the Company, let the petitioner above named, in the event of his 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, be enlarged on bail on furnishing bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Patna in connection with Gandhi Maidan P.S. Case No. 244 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further condition as under :

- (i) One of the bailers shall be the close family member of the petitioner.
- (ii) The petitioner shall make himself available before the trial court as and when required and shall co-operate in the trial.

Jagdish/-

(Anjana Mishra, J)

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