

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49016 of 2015

Arising Out of PS.Case No. -506 Year- 2014 Thana -KATIHAR District- KATIHAR

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Md. Sarfarazuddin Son of Md. Hasimuddin resident of Village Chameli
Chak P.s Habibpur Po Mirjan Hat district Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar

For the Opposite Party/s : Mr. J.N. Thakur (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 18-01-2016 Heard learned counsel for the petitioner and learned

counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in Katihar
(Nagar) P.S. Case No. 506/2014, registered for the offences
punishable under Section 384, 406, 420, 467, 468, 471 and 34 of
the Indian Penal Code.

Learned counsel for the petitioner submits that the
allegation against the petitioner is that he is in conspiracy with
several other accused persons opened a Company at Katihar under
the name of Pratigya Housing Company Ltd., and collected and
defrauded a huge amount from the public of Katihar.

The complainant had some grudge against the petitioner
and therefore he filed the present case making false and concocted

allegation.

It is further submitted that none of the depositors have lodged any complaint, but the present petitioner only to feed his grudge has filed the present case against the petitioner, staff and Directors of the Company.

It is submitted on behalf of the petitioner that since the petitioner is only one of the Directors he could not have misappropriated the huge amount himself and whatever be the matter of allegation was subject matter of calculation and refund to the depositors and not to the informant who lodged the present complaint.

It is further submitted that as the complainant himself collected the money on behalf of the branch unless and until it is ascertained as to whether the money was deposited in the account of the Company, no prosecution can be lodged against the Directors, as they are not available at the place where such collections are made.

Considering the aforementioned facts, also the fact that the petitioner is made accused in one another case identical in nature filed by another such employee of the same Company with regard to the same transaction, let the petitioner, 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,
is directed to be enlarged on bail on furnishing bail bond of Rs.
10,000/- (Ten thousand) with two sureties of the like amount each
to the satisfaction of the learned Chief Judicial Magistrate, Katihar
in connection with Katihar (Nagar) P.S. Case No. 506/2014,
subject to the conditions as laid down under Section 438(2) of the
Cr. P.C.

(Anjana Mishra, J.)

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