

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33804 of 2016

Arising Out of PS.Case No. -71 Year- 2015 Thana -MOKAMAH District- PATNA

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1. Raghunath Mahto, son of Bishwanath Mahto
2. Kashinath Mahto, son of Ramnath Mahto
both resident of Village Mor English, P.S. Mokama, District Patna
..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Apurva Kumar, Advocate

For the Opposite Party/s : Smt. Anita Kumari Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-08-2016

Heard learned counsel for the petitioners and

learned APP for the State.

Petitioners apprehend arrest in connection with
Mokama P.S. Case No. 71/15 for offences alleged under Sections
420, 406, 467, 468 and 120-B of the Indian Penal Code.

The prosecution case, as lodged by the
complainant Mansoor Alam, is that petitioner no. 1, who is the
agent and petitioner no. 2 who is holder member, have got the
informant associated with the Common weal Beverages Company
Ltd. and instigated him to deposit Rs. 80 lakhs in the Company,
which he had collected from his relatives and acquaintances.

It has been submitted by the learned counsel
for the petitioners that petitioner no. 1 is also an agent like that of
the complainant and one of the investors i.e. Mathura Paswan has



also lodged a complaint case against the complainant bearing Complaint Case No. 447(C)/14 and has stated in his Solemn Affirmation before the Magistrate that at the instance of informant, who was an agent of the said Company, he has deposited his money in the Company. It has further been submitted that in order to save his skin the complainant has made the petitioners accused shifting the burden on both the petitioners when the complainant is also the agent of the said Company. He submits that the petitioners have no criminal history, as is evident from paragraph 3 of this petition.

However, learned APP for the State submits that the petitioners are named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, let petitioners, above named, in the event of their arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Barh, Patna, in connection with Mokama P.S. Case No. 71/15, subject to the conditions as laid down under Section 438(2) Cr.P.C. However, it is made clear that petitioners will cooperate with the investigation and appear before

the police/ court as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of their bail bonds without being prejudiced with this order.

(Nilu Agrawal, J.)

Rajesh/-

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