IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31638 of 2016

Arising Out of PS.Case No. -277 Year- 2016 Thana -AHIAPUR District- MUZAFFARPUR

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Amit Kumar, S/o Sri Shiv Nandan Rai, R/o vill. - Harnichak, P.O. + P.S.- Anisabad Beur, District - Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Arvind Prasad Singh, Advocate

For the S t a t e : Mr. Narendra Kumar Singh, APP

For the Informant : Mr. Ranjit Kumar Singh, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

4 11-11-2016 Heard learned counsel for the petitioner and the learned counsel for the informant as well as the learned counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection with Ahiyapur P.S. Case No.277 of 2016 (G.R. No.1606/16) registered for the offence under Sections 406 and 420 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner was a Supervisor in Ujjiwan Financial Services Limited and was responsible for accepting public deposits. It is submitted that though he had taken public deposits, he later realized that the previous Supervisor had taken much deposits from the beneficiaries of Micro-Financing, which was made available to small farmers. It is further submitted by the learned counsel for the petitioner that whatever deposits he had taken, they were duly deposited in the Financial Company. It is further submitted that though the Company had been associating itself through its Supervisor by taking deposits from small farmers, who have been Micro-financed the money so taken, but they were illegally defrauded. Learned counsel submits that the previous Supervisor had taken much deposits prior to the joining of the petitioner in the Company and in course of collection of the money by the previous Supervisor, he had been murdered and then the petitioner out of fear resigned from the Company, but the informant's side became belligerent and did not permit him to leave the Company and later on, the present F.I.R. was registered against him, making false and frivolous allegation, though it is the Company itself who had defrauded the poor farmers.

Learned counsel for the informant seriously contests the matter and submits that the petitioner has defrauded the small farmers and as such, the petitioner may not be extended the privilege of anticipatory bail. He further submits that the petitioner while taking the loan applications from small farmers did not merely have the finance released from the Company but also sought to take back the money from them and did not deposit the said amounts in the account of the Company. Thus, the petitioner has defrauded all such small farmers.

Having heard learned counsel for the petitioner and the learned counsel for the informant and upon consideration of the case diary, which has been received, there does not appear to be cogent material against the petitioner. Moreover, the case as made out by the prosecution is also vague and not clearly descriptive of the role of the Company. As such, 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 released on bail on furnishing bail bond of ₹10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur, in connection with Ahiyapur P.S. Case No.277 of 2016 (G.R. No.1606/16), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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