

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.33725 of 2016**

Arising Out of PS.Case No. -676 Year- 2015 Thana -BEGUSARAI TOWN District- BEGUSARAI  
=====

1. Gagan Ji Mishra S/o Late Raman Mishra Resident of Rampur, P.S. Haranpur, District - Samastipur at present 31 Tulsi Vatika Apartment, Viveka Nand Path, Patliputra Colony, Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s  
=====

with

**Criminal Miscellaneous No.41312 of 2016**

Arising Out of PS.Case No. -676 Year- 2015 Thana -BEGUSARAI TOWN District- BEGUSARAI  
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1. GOPAL JI MISHRA @ NITISH KUMAR KASHYAP S/o Late Raman Mishra, Resident of Rampur, P.S. Hasanpur, District- Samastipur at present 31 Tulsi Vatika Apartment, Viveka Nand Path, Patliputra Colony, Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s  
=====

**Appearance :**

(In Cr.Misc. No.33725 of 2016)

For the Petitioner/s : Mr. S. S. Dwivedi, Sr. Advocate  
Mr. Ravindra Kumar Shukla

For the Opposite Party/s : Mr. Nand Kishore Pd., APP  
Mr. Ranjan Kumar Jha, Advocate

(In Cr.Misc. No.41312 of 2016)

For the Petitioner/s : Mr. Ravindra Kumar Shukla

For the Opposite Party/s : Mr. Surendra Kumar, APP  
Mr. Ranjan Kumar Jha, Advocate  
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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**

**ORAL ORDER**

7      06-12-2016

Heard both sides.

The petitioners apprehend their arrest in Begusarai

Town P.S. case    No. 676 of 2015 under Section 419, 420, 467,



468, 406/34 of the Indian Penal Code.

The informant, Dr. Dinesh Singh, alleged that petitioners were well acquainted to him from before as they are LIC agents and both the petitioners, who happens to be brothers, visited his house in the year 2011 and gave him information about Mahalaya Business Consultation. The petitioners represented themselves as G Mat Promoters and informed that the Company was fully recognized by SEBI. The petitioners gave detailed description of different deposit plans of the Company orally as well as in writing and persuaded the informant to invest in the Company. The informant got opened G Mat Account No. 0117633538 password-236965 in his name, G Mat A/c No. 1136252479 password-937564 in the name of his wife Sanyukta Singh, G Mat A/c No. 7412523257 password-396263 in the name of his son, Prashant Kashyap, G Mat A/c No. 9649239359 password-358861 in the name of his daughter, Dr. Jyotika Kashyap, GMAT A/c No. 2768371254 password-493762 in the name of his daughter, Dr. Navedita Kashyap and G Mat A/c No. 2731978772 password- 532960 in the name of his daughter, Dr. Anamika Kashyap. Customer care No. of the Company was also provided for enquiry. In the month of May, 2011 Rs. 2,41,260/- was invested by the informant and petitioners assured the



informant for payment of maturity amount as per unit by 10.06.2012. It is alleged that petitioners deposited different amounts with the Company but the Company was found fake and it was the petitioners, who misrepresented facts about the genuineness of the Company and thereby misappropriated the money of informant and his family members.

Sri S. S. Dwivedi, the learned senior counsel for the petitioners, submits that petitioners have filed case against Alok Kumar Srivastava, the Managing Director of Mahalaya Business Consultation, and his wife, who misappropriated the amount invested by the petitioners. It is further submitted that petitioners have not taken any money from the informant or his family members. Of course, the petitioners are agent of LIC and they are well acquainted with the informant and his family members but the petitioners also invested in the Company and, therefore, they informed the informant and his family members to invest in the Company and in pursuance thereof the informant and his family members invested in the Company but the petitioners did not receive any single farthing from the informant and his family members.

On the other hand, Sri Ranjan Kumar Jha, the learned counsel for the informant, as well as the learned Additional Public



Prosecutor opposed the prayer for anticipatory bail and submitted that it would appear from Annexure-A to the counter affidavit, which are details of the investment made by the petitioners, that it was the petitioners, who persuaded the informant and his family members to invest in Mahalaya Business Consultation. The petitioners were knowing the fact that the Company was not genuine and petitioners are also involved in misappropriating the amount deposited by the customers in the Company. It is further submitted that witnesses have stated the same facts during the course of investigation.

It appears that petitioners are agents of the LIC and they are well acquainted with the informant from before. Of course, the petitioners persuaded the informant and his family members to invest in the Company but petitioners had also invested in the Company and when the petitioners knew about the Company being fake, Gagan Ji Mishra lodged a case against Managing Director of the Company, Sri Alok Srivastava and his wife. There is no chit of paper to show that petitioners received any money from the informant and his family members to invest in the Company. The informant and his family members himself invested money in the Company through their G Mat accounts through cheques and the petitioners did not misappropriate any



amount of the informant and his family members.

Considering the facts aforesaid and the nature of allegations made against the petitioners, the above named petitioners, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, are 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, Begusarai in Begusarai Town P.S. Case No. 676 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Prabhat Kumar Jha, J)**

BKS/-

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