IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47922 of 2016

Arising Out of PS.Case No. -386 Year- 2016 Thana -ARA NAGAR District- BHOJPUR

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Vijay Prakash Thakur, Son of Sri Prakash Nath Thakur, resident of Village- Dubha, Police Station- Simari, District- Buxar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Akhileshwar Prasad Singh, Sr. Advocate and Mr. Bimal Kumar, Advocate.

For the Opposite Party : Smt. Veena Rani Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

4 23-12-2016 Heard learned senior counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in connection with Ara Town P.S. Case No. 386 of 2016 for the offences instituted under Sections 406, 408 and 420 of the IPC.

The prosecution story, in brief, is that the petitioner introduced himself as the Branch Manager of D.J.N. Commodities dealing with shares. The petitioner, in turn, introduced the informant to the co-accused persons and different functionaries of the aforesaid Company. The informant deposited Rs. 22,59,500/- in the account of D.J.N. commodities and further invested Rs. 7,45,000/- in D.J.N. Jewellery. The informant, later on, came to know that he was cheated by the petitioner and co-accused persons as they do not want to return the money of the informant. The higher officials of the Company have already been arrested by Ranchi Police in some cheating cases.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. He has falsely been implicated in the present case. There is no wrongful gain made on the part of the petitioner nor any wrongful loss has been caused to the informant by the petitioner. He happened to be the Branch Manager of the concerned Company in which the informant had invested money. The informant was also one of the Branch Managers in the said Company, namely, D.J.N. Commodities posted at Arrah. In fact, the informant was paid Rs. 11,00,000/- as Dividends against his investment. At best, the informant can raise his claim against the said Company in question. The petitioner can not be said to be the participant in the alleged offence. The present case has been instituted after more than two years of the alleged occurrence.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R. As per the allegations made, it is the petitioner who induced the informant to make the investments of Rs. 22,59,500/- and Rs. 7,45,000/- in the said Company. On his assurance, the investments were made by the informant. He has been cheated by the petitioner as well as by the Company in question. Other persons have also been cheated. The petitioner is absconding. The evidence as the material brought in the case diary in paragraph nos. 7, 12, 13, 14, 15, 16, 20, 24, 25, 26 and 28 to 42 show that the petitioner is one of the active members of the said Company and he is the party to the alleged crime. The Chairman-cum-Managing Director has been arrested by the Ranchi Police. There also he has made defalcation of huge amount.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Ara Town P.S. Case No. 386 of 2016, pending in the court of learned C.J.M., Bhojpur at Ara. If the petitioner surrenders in the court below, the same shall be considered on its own merit without being prejudiced by the order of this Court.

U.K./-

(Sudhir Singh, J)

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