

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8586 of 2016

Arising Out of PS.Case No. -300 Year- 2015 Thana -ARA NAWADA District- BHOJPUR

1. Ritesh Kumar Thakur Son of Sri Birbal Thakur Resident of village Bhual Chapra, P.S. Bairiyan, in the district of Balia (Uttar Pradesh).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mosmat Shanti Rai Wife of Late Ram Pravesh Rai resident of village Bagar, Police Station Sikarhata, in the district of Bhojpur (Bihar) presently residing at Vishnu Nagar, Anight Ara, P.S. Ara Nawada, in the district of Bhojpur (Bihar).

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma
For the Opposite Party/s : Mr. Ashraf Ansari(App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 22-04-2016 Heard learned Senior Counsel for the petitioner, learned Counsel for the informant and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Ara Nawada Police Station Case No. 300 of 2015, disclosing offence under Sections 406, 420 of the Indian Penal Code.

A complaint petition filed by the informant is the basis for registration of the present First Information Report. It is alleged in the complaint petition that the accused persons induced the informant to invest huge



amount of money in the Premia First Corporate City and assured him that the investment would give him very good returns and the amount so invested will multiply several times. The informant is said to have paid to the petitioner a sum of Rs. 1,64,000/- and subsequently, transferred a sum of Rs. 8,50,000/- in the petitioner's account from her daughter's account (total Rs. 10,14,000/-) against 10 per cent of the booking amount for purchase of a plot in Greater Noida (West), Uttar Pradesh.

Learned Senior Counsel appearing on behalf of the petitioner has submitted that the petitioner was working as Sales Manager in Ashirwad Infrastructure Pvt. Ltd., in which the informant is said to have deposited certain amount. According to him, the petitioner is not the recipient of the amount and there is no question of misappropriation of such amount by him, constituting an offence under Section 406 of the Indian Penal Code.

Learned Counsel appearing on behalf of the informant has vehemently opposed the prayer for anticipatory bail and it has been submitted that the petitioner convinced the informant to make investment, whereupon she had given to the petitioner a sum of Rs. 1,64,000/-, which amount was arranged by selling a piece of land. Further, a sum of Rs. 8,50,000/- was transferred in

the account of the petitioner from the account of the informant's daughter.

The petitioner was granted interim protection against any coercive step to be taken against him, by an order, dated 23.02.2016. There is no material to show that he ever misused the privilege of interim protection. It is his case that the amount of Rs. 8,50,000/- was deposited with Ashirwad Infrastructure Pvt. Ltd. and a receipt to this effect has been issued in favour of the daughter of the informant (Annexure-3) against the total selling price of Rs. 1,01,40,000/-. Subsequently, demand letters were issued for payment of further instalment, but she failed to pay.

Considering the nature of controversy and facts and circumstances, this application is allowed.

Let the petitioner, Ritesh Kumar Thakur, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, at Ara, in connection with Ara Nawada Police Station Case No. 300 of 2015, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the

petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

Prabhakar Anand/-

(Chakradhari Sharan Singh, J.)

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