

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33004 of 2016

Arising Out of PS.Case No. -407 Year- 2015 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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Beni Shankar Jha @ Venishankar Jha, Son of Late Baikunth Jha, Resident
of Village- Kherhiya, P.S.- Akbarnagar, District- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Abhishek Bhagat, Son of Sri Ashok Kumar Bhagat, Resident of Village-
Mohanganj, P.S.- Tarapur, District- Munger.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mr. Rakesh Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Sri Bhanu Pratap Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-08-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with
Complaint Case No. 407 of 2015 registered for the offence
punishable under Sections 420, 406, 467 and 468 of the Indian
Penal Code.

The prosecution story, as per the complaint case
lodged by the agent, namely, Abhishek Bhagat of Care Vision
Infrastructure and Agrotech Limited, is that petitioner has been
shown as Director of the said company and took the complainant
in job and being a non-banking financial company, he collected



Rs. 14,69,960/- from different customers and deposited the same in the company for which pass-book and receipts were issued. Complainant was introduced to the M.D. and C.M.D. When amount matured, the investors came to the office of the company for receiving their money, but they found the office of the company closed, hence, allegation is that the petitioner along with Director, C.M.D. and other officials of the company under conspiracy have misappropriated the said amount of Rs. 14,69,960/- deposited by the customers.

It has been submitted by the learned counsel for the petitioner that petitioner is not the Director, but is Divisional Manager of the said company and the company is duly incorporated under the Registrar of Companies, Bihar and Jharkhand. It has also been submitted that no offence has been committed by the petitioner, as petitioner was himself an employee of the said company and different maturity amount of different depositors is being paid by the company for which a supplementary affidavit has also been filed showing deposit made in the account of the complainant. He submits that the petitioner has no criminal antecedent, as is evident from paragraph 3 of this application.

However, learned A.P.P. for the State submits that

petitioner is named accused in the complaint petition, hence, opposes the prayer for bail.

Be that as it may, since the petitioner was himself an employee of the company and neither the M.D. nor C.M.D., let the petitioner, named above, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of Sri A.S. Prasad, learned Judicial Magistrate, Bhagalpur in connection with Complaint Case No. 407 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, it is made clear that the petitioner will cooperate with the investigation and remain physically present before the police/ Court as and when required and his failure to appear before the learned Court below on two consecutive dates, if required, without assigning any reason will entail cancellation of his bail bonds without being prejudiced by this order.

(Nilu Agrawal, J.)

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