IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39254 of 2016

Arising Out of PS.Case No. -738 Year- 2014 Thana -WEST CHAMPARAN COMPLAINT District- WESTCHAMPARAN(BETTIAH)

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1. Sujit Kumar @ Deepu, son of Prabhunath Varnwal.
2. Prabhunath Prasad @ Prabhunath Vernwal @ Prabhunath Prasad Varnwal, son of Late Ganga Sagar Varnwal.
3. Chanda Devi @ Gudiya Devi @ Chanda Varnwal, wife of Deepu @ Sujit Varnwal. All are resident of Mohalla- Ganj No.1, Illam Ram Chowk, Police Station- Bettiah (Town), District- West Champaran.

.... Petitioners

Versus

1. The State of Bihar.
2. Asha Devi @ Asha Kumari, wife of Sushil Kumar and daughter of Late Kapildeo Prasad, resident of Mohalla- Ganj No.1, Illam Ram Chowk, Police Station- Bettiah (Town), District- West Champaran.

.... Opposite Parties

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Appearance :

For the Petitioners	:	Mr. Sanjay Kumar No.-7, Advocate.
For the State	:	Mrs Renu Kumari, A.P.P.
For the Complainant	:	Mr. Aditya Nath Jha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

4 24-11-2016 A counter-affidavit has been filed on behalf of learned counsel for the complainant. The same may be kept on the record.

Heard learned counsels for the petitioners, complainant and learned counsel for the State.

The petitioners are apprehending their arrest in connection with Trial No. 2884 of 2016, arising out of Complaint Case No. 738(C) of 2014 for the offences instituted under Sections 323 and 406 of the IPC.

The prosecution story, in brief, is that the petitioners induced the complainant to deposit money in the L.L.C.M. Company and in presence of witnesses, the complainant gave them Rs. 1,60,000/- and the petitioners gave her five certificates and the maturity date of the certificates was mentioned as 09.11.2012. On the date of maturity when the complainant went to the office of L.L.C.M. Company, she learnt that the said company has fled away. Thereafter she organized a panchayati and the petitioners gave her Rs. 80,000/- and promised to pay Rs. 80,000/- after withdrawal from the said company. But the petitioners did not pay her money and when the son of the complainant went at their house and demanded his money then they abused and assaulted him and refused to return the same.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. It has been further submitted that the petitioners have already returned the principal amount of Rs. 80,000/- to the complainant. The interest amount is pending with the said company where the petitioners were an agent. From perusal of the complaint case as well as counter affidavit filed on behalf of the complainant, it is clear that the principal amount has already been returned to the complainant by the petitioners. It is further submitted that there is no single chit of paper indicating that the complainant has deposited Rs. 1,60,000/- in the said company.

On behalf of the learned counsels for the complainant and the State, it has been submitted that the petitioners are named in the complaint case and after inducement they have got the money of the complainant invested in a fraudulent company.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on bail in the event of their arrest or surrender before the learned court below within a period of six weeks from today in connection with Trial No. 2884 of 2016, arising out of Complaint Case No. 738(C) of 2014 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M. West Champaran at Bettiah, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

(Sudhir Singh, J)

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