

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58030 of 2015

Arising Out of PS.Case No. -1433 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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Dilip Kumar Chaurasiya S/o Sakaldeep Chourasiya Resident of Village -
Painapur Dharampur, P.S. - Bidutpur, District - Vaishali

.... Petitioner

Versus

1. The State of Bihar
2. Mr. Ashwani Kumar S/o Sri Ram Murti Singh Resident of Old
Electricity Colony Radhika Kutir, P.O. + P.S. - Jehanabad, District -
Jehanabad

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Vijay Kumar Singh, Advocate
For the Opposite Parties : Mr. Narsingh Tanti, APP
For the Complainant ; Mr. Binod Kumar Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 16-05-2016 A counter affidavit has been filed on behalf of the

complainant, which is kept on record.

Heard learned counsel for the petitioner, learned counsel
for the complainant and learned counsel for the State.

The petitioner is apprehending his arrest in connection
with Complaint Case No. 1433 (C) of 2015 for the offences
instituted under Sections 406 and 420 of the Indian Penal Code.

As per prosecution case, the complainant Ashwani
Kumar has been fraudulently cheated of Rs.4,00000/- by the
accused persons by giving the complainant assurance that the
money of complainant will become seven time mores within the

period of 15 years.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. He is alleged to be the Executive Manager of the PACL India Ltd Company which is said to be a finance company. Subsequently, the company failed to return the money of the investors including the complainant. The matter travelled before the Apex Court. The Hon'ble Apex Court vide Civil Appeal No.(s).13301 of 2015 dated 02.02.2016 has given some directions so that the investors money could be realized from the company in question. The committee has been constituted under the Chairmanship of Hon'ble Mr. Justice R.M.Lodha, the Former Chief Justice of India to look into the matter. The committee is to ensure that the money is returned to the investors. It is further submitted by the petitioner that he is ready to extend all his help to the committee as and when required, if the petitioner failed to extend his cooperation to the committee, his bail may be cancelled.

On behalf of the State and the counsel for the complainant, a counter affidavit has been filed in the present case giving photo copy of a draft issued by the company for an amount of Rs.6,00000/- but the said draft was never handed over to the complainant. The said fact is admitted by the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with **Complaint Case No. 1433 (C) of 2015** on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of **Sri Neeraj Kumar Tyagi, Judicial Magistrate, Ist Class, Patna**, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is further directed that the petitioner shall cooperate in course of investigation and shall also cooperate with the committee constituted by the Hon’ble Supreme Court, if he fails to do so, the court below shall be at liberty to cancel the anticipatory bail granted to the petitioner. The complainant may also approach to the committee, if so advised, for redressal of his complain

(Sudhir Singh, J)

B.Kr./-

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