

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54263 of 2015

Arising Out of PS.Case No. -396 Year- 2014 Thana -PATLIPUTRA District- PATNA

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1. Archana Kumari, D/o Arbind Singh, Resident of Village - Parwada, P.S. - Belsar, District - Vaishali at Hajipur. At present resident of Mohalla - Sherpur Road, Mithanpura Lala, P.S. Bela, District - Muzaffarpur.
 2. Mamta Srivastava, W/o Alok Kumar Srivastava, Resident of Mohalla - Sherpur Road, Mithanpura Lala, P.S. - Bela, District - Muzaffarpur.
 3. Prakash Kumar Srivastava, s/o Late Chandra Shekhar Srivastava, Resident of Mohalla - Shepur Road, Mithanpura Lala, P.S. - Bela, District - Muzaffarpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Akhileshwaar Pd. Singh, Sr. Advocate
: Mr. Dewendra Narayan Singh, Advocate
For the Informant : Mr. Ravindra Kr. Shukla, Advocate
For the State : Mr. Shyameshwar Dayal(App)

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

9 28-04-2016 Heard parties.

Petitioners apprehend their arrest in connection with Patliputra P.S. Case No. 396/2014 registered for offences punishable under Sections 419, 420, 406, 467, 468, 471, 341, 323, 504/34 and 120B of the Indian Penal Code.

As per the first information report, co-accused Alok Kr. Srivastava, under the garb of being the proprietor of Magneto Computer and Mahalaya Business Consultation, had induced several persons and collected crores and crores of rupees and, thereafter, has fled away. The informant claims to have given a

cheque of Rs. 2,55,740/- to co-accused Alok Kr. Srivastava.

It is submitted that he was made G.Mat Promoter, however, money was never returned and along with others, his money has also been embezzled. However, so far the petitioners are concerned, it has been stated in the first information report that petitioner no. 1 was working as Assistant in the concerned company of Alok Kr. Srivastava, petitioner nos. 2 and 3 are respectively the wife and younger brother of aforesaid co-accused.

Learned counsel appearing for the petitioner has submitted that so far as these petitioners are concerned, there is no allegation that they have, at any point of time, induced the petitioner to deposit money or the petitioner has given any cheque to them or in any manner they are involved in the embezzlement. The allegation against petitioner no. 1 is that she is working as assistant in the company of Alok Kr. Srivastava, petitioner no. 2 is his wife and petitioner no. 3 is his younger brother and allegation against petitioner nos. 2 and 3 is that they had abused and threatened the informant. Petitioner nos. 1 and 2 are ladies.

Learned counsel appearing for the informant has stated that several cases have been lodged against these petitioners also and as such on said count itself, bail application should be dismissed.

Per contra, learned counsel for the petitioner submits that all those cases have been lodged after registration of the present first information report which is not being controverted by the learned counsel for the informant. It is further stated that the main accused i.e. Alok Kr. Srivastava has already been taken in custody.

Having regard to the facts and circumstances of the case, let the petitioners, namely, Archana Kumari, Mamta Srivastava and Prakash Kumar Srivastava be released on bail in the event of arrest/surrender before the court below within a period of six weeks from today in Patliputra P.S. Case No. 396/2014, on furnishing bail bond of Rs.10,000(Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Patna subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, J.)

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