

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46489 of 2015

Arising Out of PS.Case No. -65 Year- 2015 Thana -DERNI District- SARAN

- =====
1. Vijay Kumar Singh Son of Satrugan Prasad Singh resident of Village Etwa, P.s Garkha, District Saran.
2. Om Prakash Tiwary son of late Jag Narayan tiwary resident of Village-bichla Sirsa, Ps.Beldhi, district Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary

For the Opposite Party/s : Mr. Smt. Madhuri Lata(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 25-02-2016 Heard learned counsel for the petitioners, learned counsel for the complainant and learned counsel appearing on behalf of the State.

The petitioners are apprehending their arrest in connection with Derni P.S. Case No. 65 of 2015, registered for offences punishable under Sections 420, 406, 409 and 120B/34 of the Indian Penal Code.

Diary in the present case was called for, which has since been received.

Learned counsel for the petitioner submits that the petitioners are petty agents functioning in the village and trying to secure business for the companies. It was in pursuance of the performance of their duties, the petitioners had secured certain



business from the complainant but subsequently the company was wound up and became traceless. Learned counsel for the petitioners submits that whatever may be the evidence and nature of allegation, these petitioners had a very limited role to play and the money in question was not given to these petitioners rather the same was given in the name of company, which has since become defunct and has been traceless.

Learned counsel appearing on behalf of the complainant submits that on the basis of assurance of these petitioners, the complainant invested a huge amount of money in the aforementioned company but subsequently the company vanished and the informant suffered serious loss.

Learned counsel appearing on behalf of the State after perusal of the case diary submits that though the petitioners are named in the complaint, the only role which can be assigned to the petitioners that they have persuaded the informant for investing in the said company.

Considering the nature of allegation made against the present petitioners, and *prima facie* no case is made out against the petitioners and also that the petitioners have got no criminal antecedent, let the petitioners above named, in the event of their arrest or surrender before the court below within a period of four

weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 10,000 (Rs. Ten Thousand) each with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Chapra, in connection with Derni P.S. Case No. 65 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J)

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