

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5412 of 2017

Arising Out of PS.Case No. -179 Year- 2016 Thana -GAYA COMPLAINT CASE District- GAYA
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NIPEN ROY @ NRIPEN ROY Son of Late Naresh Roy, Resident of
Mohalla- Gourangapara, Kolkata North, Ward No- 94, Madanpur-1, P.S.-
Chakadaha, District- Nadia (West Bengal).

.... Petitioner

Versus

1. The State of Bihar.
2. Parvesh Kumar Sharma, Son of Ram Lakhan Sharma, Resident of
Village- Horma, P.O. Bindaul, P.S. Khizersarai, District- Gaya.

.... Opposite Parties
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Appearance :

For the Petitioner/s : Mr. Satya Veer, Advocate
For the Opposite Party/s : Mr. Binod Kumar 2
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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

3 23-02-2017 Heard learned counsel for the petitioner and the State.

Petitioner seeks bail in a case registered under
Sections 406, 420 and 120(B) of the Indian Penal Code.

Allegation in brief is that the petitioner was a Branch
Manager of ESBI Group and the complainant was collecting agent
from investors and both were appointed by the Director of the
Company and the allegation is that the complainant got investment
of several investors of more than a crore and thereafter, the
Company was closed. The headquarter of the Company was in
Kolkatta and the transaction relates to the year 2012.

Submission is that the petitioner was an employee
being appointed as Branch Manager from the Director of the



Company and appointment of the complainant was collecting agent was also appointed by the Director and this petitioner resigned from the Company in the year 2004 itself and however, the liability is of the Director of the Company because this petitioner has had no control over the Company and he has been in custody in this case since 2.11.2016.

Learned counsel appearing on behalf of the complainant submitted that this petitioner was Manager in the Gaya Branch even in the year 2012-2015 also and he had received the investors amount as a Branch Manager.

Having considered the said facts and circumstances particularly the petitioner was an employee and not the Director of the Company so the petitioner, namely, Nipen Roy @ Nripen Roy be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, Ist Class, Gaya, Smt. Sarika Vahaliya in connection with Complaint Case No.179 of 2016.

(Arun Kumar, J)

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