IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9536 of 2017

Arising Out of PS.Case No. -84 Year- 2011 Thana -AURANGABAD TOWN District- AURANGABAD

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1. Barun Kumar Singh @ Varun Singh @ Baroon Singh Son of Shri Sadhu Sharan Singh, Resident of Village- Raksel Tendua, P.S.- Hariharganj, District- Palamau (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Sushil Kumar Singh
For the Opposite Party/s : Mr. Sri Ram Anurag Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 04-04-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Aurangabad (Town) P.S. Case No. 84 of 2011 instituted for the offence under Sections-406, 420, 467, 468 & 120(B) of the Indian Penal Code.

In the complaint petition which was sent to police u/S 156(3) Cr.P.C. it is alleged that the complainant is counselor/agent as well as policy holder of the company namely, OCPL. This petitioner was branch manager of OCPL company at Aurangabad at the relevant time and on the advice of this petitioner and other accused, the complainant deposited Rs. 50,000/- with the aforesaid company for the insurance policy of Kotak company in the year, 2008. The complainant also got money invested from other persons as indicated in the complaint petition, for which, acknowledgement receipt was issued. The petitioner and other accused persons assured that the bond papers and P.D.R. shall be delivered at home. The aforesaid company deliberately failed to make payment to the informant and other policy holders of dividends of their investments in different financial scheme launched by the said company and finally, misappropriated an amount of Rs. 2,42,000/- and also, did not provide the bond papers and P.D.R. to the depositors.

It has been submitted on behalf of the petitioner that he has left the company in the year, 2009 and the liability for making payment was on the company. It has further been submitted that he has been granted anticipatory bail in other cases filed by different depositors and the copies of the orders have been annexed with this petition as Annexure-4 series.

The learned APP has submitted that there is specific allegation against the petitioner in the written report and the witnesses have also supported the allegation against this petitioner in paragraphs-19, 20, 21, 22 & 23 of the case diary. From paragraph-30 of the case diary, it appears that this case has been kept as special category and SDPO shall supervise the case.

From annexure-4 series, it appears that several other depositors have also filed case against this petitioner for realization of their amount, which is pending.

It is mentioned in the complaint petition itself that this petitioner was working as branch manager at the relevant time in the aforesaid Company. There is specific allegation against this petitioner that he along with other accused misappropriated the amount of complainant and other depositors and bond papers and P.D.R. were not delivered as assured to them at the time of their investment in the company.

In such circumstances, this court does not find it a fit case for grant of anticipatory bail to the petitioner. Accordingly, his prayer for anticipatory bail stands rejected.

The petitioner may surrender in the court below and make prayer for regular bail, which shall be considered on its own merit without being prejudiced by this order.

(Sanjay Priya, J)

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