

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 11362 of 2017

Arising Out of PS.Case No. -165 Year- 2014 Thana -JAMALPUR District- MUNGER

1. Rajeev Kumar Gupta, son of Anant Kumar Gupta, Resident of village - Sanhaura, Police Station - Sanhaura, District - Bhagalpur.
2. Ramesh Kumar, son of Raghunandan Prasad, Resident of Mohalla - Chhoti Aashikpur, Police Station - East Colony, District - Munger.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

with

Criminal Miscellaneous No. 12107 of 2017

Arising Out of PS.Case No. -165 Year- 2014 Thana -JAMALPUR District- MUNGER

Pramod Kumar, son of Late Parasnath, resident of Village- Bari Ashikpur, P.S.- East Colony, Jamalpur, District- Munger.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

(In Cr.Misc. No.11362 of 2017)

For the Petitioner/s : Mr. Anamul Haque

For the Opposite Party/s : Mr. Sri Surendra Prasad Singh

(In Cr.Misc. No.12107 of 2017)

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Sri Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 08-04-2017 Both the above Criminal Miscellaneous are of the same occurrence and, as such, have been heard together and are being disposed of by passing this common order

Heard learned counsel for the petitioners and learned counsel representing the State.



The petitioners apprehend their arrest in connection with Jamalpur P.S. Case No. 165 of 2014, registered for the offences punishable under Sections 120B, 420, 406, 467 and 468 of the Indian Penal Code.

Allegedly, the complainant/informant joined Waris Finance International Ltd. on 05.07.2011 on the post of Chief Executive Second, he invested his own money and money of other customers and obtained receipts for it from the accused nos. 9, 11 and 12. The informant has deposited Rs. 54,000/- in recurring deposit, M.I.S. of Rs. 1,00,000/- and Debenture of Rs. 80,000/-. Apart from him other customers and employees of this company have also deposited their money in this company. All the accused persons have joined the company at the post of Agent, Computer Clerk and as an employee and deposited their own money in the alleged company, Other customers have also deposited their money through these accused persons. Accused no.1 in collusion with other accused persons were running Wonderful Finance and Investment Private Limited which was registered to the Reserve Bank but forging its papers, they have named it as Waris Finance International Investment Ltd., which is fake and collusive. The accused persons did not paid the deposited money of the complainant and other customers and grabbed the money



deposited by the people. They have issued a cheque of Rs. 8,00000/- in the name of Arshdeep Finance Ltd, to the complainant and told him to forget all the money which was about to be returned after maturity. Total amount deposited in the name of this company is of Rs. 16154000/- which is not being paid to the complainant and other customers too.

Submission is of false implication and that the petitioners are wholly innocent and never committed any offence, all the petitioners are employees of the said finance company and were complying the order of the management. The petitioners are themselves a victim in this case like the informant, petitioner Pramod Kumar was only an agent of finance who used to collect the money from the people and deposited it before the cashier. They have not been benefited in any way and, as such, they deserve sympathetic consideration.

The learned A.P.P. seriously opposes the prayer of pre-arrest bail by submitting that the petitioners established a chit fund company and after taking money from poor persons fled away.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioners, I am not inclined to grant privilege of pre-arrest bail to them and



accordingly their such prayer stands rejected in connection with Jamalpur P.S. Case No. 165 of 2014, pending in the Court of learned Chief Judicial Magistrate, Munger.

However, in case and if so advised the petitioners surrender and seek regular bail then their prayer for regular bail shall be considered preferably on the same day on its own merits without being prejudiced by the order of this Court.

(Jitendra Mohan Sharma, J.)

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