

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48475 of 2016

Arising Out of PS.Case No. -407 Year- 2015 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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Abhishek Bhagat, son of Sri Ashok Kumar Bhagat, Resident of Village –
Mohanganj, P.S. – Tarapur, District Munger

.... Petitioner/s

Versus

1. The State of Bihar
2. Beni Shankar Jha @ Venishankar Jha, son of late Baikunth Jha, resident
of village – Kherhiya, P.S. – Akbarnagar, District - Bhagalpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rana Ishwar Chandra, Advocate

For the O.P. No.2 : Mr. A.K. Thakur, Advocate

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

6 19-04-2017

Heard learned counsel for the petitioner, learned
counsel appearing on behalf of opposite party no.2 and the learned
A.P.P. for the State.

Petitioner has moved this application for
cancellation of bail granted by this Court to opposite party no.2,
Beni Shankar Jha @ Venishankar Jha in Cr. Misc. No. 33004 of
2016 vide order dated 20.08.2016.

The contention of the learned counsel for the
petitioner is that the petitioner has made a false statement before
this Court that he was just an employee of the said Care Vision
Infrastructure and Agrotech Limited, which was a non-banking
financial company and had taken deposits from various customers
to the tune of Rs. 14,69,960/-, but eventually the company was



closed and the depositors were left in lurch. The complainant was an agent of the said company and is petitioner in the present application. He has brought on record a downloaded web copy which contains details of the said company in which opposite party no.2, Beni Shankar Jha @ Venishankar Jha has been shown to be the Director and thus he submits that false information was given to this Court while seeking bail. It has been submitted by the learned counsel for the petitioner that opposite party no.2 has left the employment of the said company way back in the year 2014.

However, learned counsel for the opposite party no.2 has filed a counter affidavit stating therein that the company was duly registered with the Registrar of the Companies and has enclosed a copy of the employment letter dated 06.02.2012, which shows the employment of the opposite party no.2 in the said company. He has also enclosed the Memorandum of Association of the said company submitted before the Registrar of the Companies wherein seven Directors have been shown to be there and the name of opposite party no.2 does not find place. These are controversial facts, which are not required to be looked into by this Court at this juncture.

Under such circumstances, the prayer for cancellation of bail granted by this Court to opposite party no.2,



Beni Shankar Jha @ Venishankar Jha in Cr. Misc. No. 33004 of 2016 vide order dated 20.08.2016 in connection with Complaint Case No. 407 of 2015 pending in the Court of learned Judicial Magistrate, Bhagalpur is rejected.

However, the learned Court below during trial will ascertain all these aspects in which petitioner and the opposite party no.2 will cooperate.

(Nilu Agrawal, J.)

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