

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39321 of 2017

Arising Out of PS.Case No. -1209 Year- 2016 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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Sanjiv Kumar Singh @ Sanjiv Singh son of Om Prakash Singh, R/o
village- Premnagar, PS-Runnisaidpur, District-Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar & Anr.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Jha, Adv.

For the Opposite Party/s : Mr. Md. Arif, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 19-08-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends arrest in connection with
Complaint Case No. 1209 of 2016 registered for the offences
under sections 420 and 409 of the Indian Penal Code.

It has been submitted that this petitioner has been
named in the complaint petition on account of his being full
brother of Rajeev Kumar, who was the Director of Orchid
Cultivation Project India Ltd. The brother of this petitioner
persuaded the complainant and other persons to become an agent
for collecting the money for the aforesaid Company. The brother
of this petitioner collected handsome amount to the tune of
Rs.24,00,000/- under different Scheme and on completion of
maturity of the Scheme, when the complainant and others



approached him for payment of the matured amount, he did not return and thereby cheated the complainant and other persons who had deposited the money in the aforesaid Company.

Learned counsel for the petitioner submits that there is nothing against the petitioner and so no case of sections 420 and 409 I.P.C. is made out against him.

The learned A.P.P. on the other hand opposed the submission.

On going through the complaint petition, I find that the main allegation is against the brother of this petitioner namely, Rajeev Kumar who was the Director of the aforesaid Company. He had allured the complainant and others to become an agent of his Company. He collected Rs. 24,00,000/- from different investors but on completion of maturity period, he refused to make payment. There is no allegation of cheating against this petitioner.

Considering the facts and circumstances of the case, as stated above, this application for anticipatory bail is allowed.

Let the petitioners, above named, in the event of arrest or surrender before the court below within a period of six weeks, 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 the learned Additional Chief Judicial Magistrate-



VII, Sitamarhi in connection with Complaint Case No. 1209 of 2016, subject to the condition as laid down under Section 438 (2) of the Criminal Procedure Code.

(Sanjay Kumar, J)

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