

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.38129 of 2016**

Arising Out of PS.Case No. -114 Year- 2016 Thana -LAKHISARAI District- LAKHISARAI

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1. Naresh Prasad, Sonof Late Bhola Prasad, resident of Mohalla- English,
  2. Nand Kumar Son of Arjun Prasad, R/o Mohalla- Naya Tola, Purani Bazar, P.S.- Lakhisarai, District- Lakhisarai.
  3. Madan Gopal Sharan @ Madan Gopal Prasad, Son of Jageshwar Prasad, R/o Mahisauna, P.S.- Lakhisarai, District- Lakhisarai.

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Superintendent of Police Lakhisarai, District – Lakhsarai
3. Mr. Gyan Swaroop, S/o- Late Sitaram Mehta, r/o- Mahila Vidya Mandir (west) Purani Bazar, Lakhisarai, District - Lakhisarai

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjiv Sharan

For the Opposite Party/s : Mr. Sri Yogendra Kumar

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA**  
**ORAL ORDER**

5      17-01-2017                      Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The petitioners apprehend their arrest in connection with Lakhisarai P.S. Case No. 114 of 2016 for the offences registered under Sections 341, 385, 387 and 506/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the entire case against the petitioners is false and motivated and if there was any grievance, it ought to have been raised against the owners and director of the company and not against the functionaries or investors. It is further submitted that the



petitioner no. 3 has also filed a case bearing Complaint Case No. 216 of 2016 on 06.01.2016 against the informant and only after filing of this case, the informant of the present case had lodged a first information report against the present petitioners stating that they being functionaries of the company, defalcated a huge amount.

After hearing learned counsel for the petitioner and learned counsel for the opposite party no. 3 and, after perusing the materials on record, it appears that there was an agreement of sale between the opposite party no. 3 and the Director of the company, in which, these petitioners had signed as signatories. Learned counsel for the petitioners, however, categorically submits that they are not functionaries but they were investors and had participated in the functioning of the company. Later on, they have nothing to do with the complaint, as alleged by the informant.

Having heard learned counsel for the parties and after considering the materials on record, it appears that there is a distinct cloud in the prosecution story, As such, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on



furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai P.S. Case No. 114 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Anjana Mishra, J)**

Jagdish/-

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