

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19057 of 2017

Arising Out of PS.Case No. -179 Year- 2016 Thana -GAYA COMPLAINT CASE District- GAYA
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Arindam Bakshi, Son of Late Ajay Kr. Bakshi @ Ajay Bakshi, Resident of
P- 38, H.B. Town, Road NO. 1/A, Sodepur, P.O. Sodepur, P.S. Khardah,
District- 24, Parganas, North (Kol- 700110), West Bengal.

.... Petitioner

Versus

1. The State of Bihar.
2. Parvesh Kumar Sharma, son of Ram Lakhan Sharma, Resident of
Village- Horma, P.O. Bindaul, P.S. Khizersarai, District- Gaya.

.... Opposite Parties
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Appearance :

For the Petitioner : Mr. Sanjay Kumar Jha
For the Opposite Parties : Mr. Bharat Bhushan
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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 23-05-2017 Heard the learned counsel for the petitioner, the

learned A.P.P. for the State as also the learned counsel for the

complainant.

In this application for anticipatory bail the petitioner
apprehends his arrest in connection with Complaint Case No. 179
of 2016 for the offences punishable under sections 406, 420, and
120 (B) of the I.P.C.

Allegedly, the petitioner and other co-accused cheated
the complainant and others and misappropriated huge amount by
opening ESBI group and its branches at several places. The
complainant was engaged as an agent by the petitioner for the sale



of debentures/schemes/products. Some other persons were also engaged as agent. The complainant purchased the debentures and invested huge amount, i.e. more than one crore in the debenture and the scheme ESBI LIP, but all of a sudden the business was closed and they fled away with the money.

Submission is of false implication and that there is no specific allegation against the petitioner, the petitioner is not the Director of ESBI group, he is merely Branch Development Manager, he is an employee like the complainant, the Directors are liable and as such the petitioner deserves sympathetic consideration, one of the co-accused, namely, Debojyoti Maitra @ Debajyoti Maitra has been allowed pre-arrest bail vide Cr. Misc. No. 13635 of 2017 and as such the petitioner also deserves sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the complainant opposes prayer for pre-arrest bail of the petitioner and submits that the petitioner has been appointed by the complainant as an agent and he has assured to return the money but no money has been returned. The petitioner has also misappropriated huge amount in collusion and conspiracy with the other co-accused.

In the facts and circumstances as stated above,



considering that the petitioner is not the Director of the Company, he is simply a Branch Manager and as such the petitioner, in case of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall 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. Smt. Sarika Vahaliya, J.M. 1st Class, Gaya in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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