IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25634 of 2017

Arising Out of PS.Case No. -230 Year- 2016 Thana -ALAMGANJ District- PATNA

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1. Pramod Kumar Saini, S/o Ram Lakhan Prasad Saini, R/o Tripoliya, Patharighat, behind Hanuman Mandir, P.S.- Alamganj, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Syed Mohammad Shabbir Alam
For the Opposite Party/s : Mr. Rana Randhir Singh

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

6 30-08-2017 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks anticipatory bail in Alamganj P.S. Case No.230 of 2016 instituted for the offences under Sections 406, 409 and 420 of the Indian Penal Code.

As per allegation a Company, namely, Indus Weir Industries Pvt Ltd. was incorporated. The primary business of the Company is to take money from customers with the assurance of return of higher amount. As per statement made in the complaint petition, wife of the informant and large number of persons have invested the money and all on a sudden the Company was closed and they were deprived of the return of the money. It has been alleged that a fraud has been played. Large number of persons are involved as they have invested the money but neither principal amount nor interest has been returned to them.

Learned counsel for the petitioner submits that petitioner was mere an agent, his status was not more than agent. He was not any way holding the higher post to control the working of the Company. The informant and witnesses have also on the same status.

From the record it appears that huge money has been taken by the Company and suddenly it was closed and run away from the State. As per informant, he has stated that they have opened a new Company at Lacknow.

In such view of the matter, this Court is not inclined to enlarge the petitioner on anticipatory bail. Accordingly prayer for bail is rejected.

This Court at this stage cannot examine the correctness of any part of the case but the fact is that a large number of persons are victims and the persons those who are in the management has cheated poor persons of the State.

As it is a big scam, it requires deep investigation and local police is too handicapped to investigate the present case so this Court is of the view that this matter be investigated by the

Vigilance Department.

Let this case be transferred to the Vigilance Department and Vigilance Department will conduct the investigation and if it is found that present case is a case of money laundering, in such circumstances, the Enforcement Directorate should also examine the matter and take suitable action in accordance with law. This Court is not granting any relief to the petitioner.

Let the Vigilance Department after institution of the case submit its report time to time for perusal.

(Shivaji Pandey, J)

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