

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30353 of 2017

Arising Out of PS.Case No. -231 Year- 2016 Thana -SHASTRINAGAR District- PATNA

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Brij Kishore Prasad Sinha @ Braj Kishore Prasad Sinha

... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

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with

Criminal Miscellaneous No.35055 of 2017

Arising Out of PS.Case No. -231 Year- 2016 Thana -SHASTRINAGAR District- PATNA

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Anshu W/o Rajiv Kumar,

.... Petitioner.

Versus

1. The State of Bihar

.... Opposite Party.

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Appearance :

(In Cr. Misc. No.30353 of 2017)

For the Petitioner : Mr. Devendra Kumar Sinha, Sr. Adv.

Mr. Ravi Shankar Ganguli

For the Beltron : Mr. Girijesh Kumar, Adv.

For the State : Mr. Pramod Kumar Pandit, APP

: Mr. Shailendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

11 08-11-2017 Both petitions arise out of Shastrinagar P.S. Case No. 231 of 2016 registered under Sections-419, 420/34 of the Indian Penal Code in which, petitioners apprehend their arrest and accordingly, they are being heard and disposed off by this common order.

Heard learned counsels for the petitioner and the State.

There is allegation in the written report that both these petitioners being directors of M/S Electronics Net were providing manpower for the period 2006-14 to Beltron Company. They were required to deposit the deduction of EPF and ESIC paid to them by the Beltron Company for the employees but the same M/S Electronics Net



has not reimbursed the money of the various employees causing economic loss to them.

As per written report, the Beltron company has paid an amount of Rs 2,17,60,613.00 to the Electronic Net Company towards EPF and Rs. 1,44,65,403.00 towards ESIC. The company has deposited only an amount of Rs. 86,39,302.00 in EPF and no money has been deposited in ESIC.

Counsel for petitioners has submitted that they have deposited the entire amount as received by them for contribution of EPF and ESIC. They have submitted that in fact, they have deposited the excess amount for which, they have filed status of EPF payment and ESIC payment made by M/S Electronic Net as Annexure-2 and 6 in both the petitions.

Petitioners by order dated 20-09-2017 passed in Cr. Misc. No. 30353 of 2017 were directed to give detail of the deposit of the amount made in EPF and ESIC and money which has been received by them from Beltron within four weeks, and thereafter, the informant (Beltron) was directed to file necessary affidavit before this court.

Counsel for petitioners has asserted that they have given details as mentioned in Annexure-2 and 6 to the informant.

Counsel for the informant has submitted that they have simply given the statement. They have not given the copy of challan in support of payment and therefore, no counter affidavit has been filed.

From the nature of allegation made in the written report and



the dispute raised between the parties, this court finds that there is dispute between the parties of accounting. By Annexures-2 & 6, it appears that the amount has been deposited by the petitioners towards EPF and ESIC payment.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners named above in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of 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 in connection with in Shastrinagar P.S. Case No. 231 of 2016 to the satisfaction of Ms. Aditi Gupta, learned Judicial Magistrate-Ist Class, Patna subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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