

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44134 of 2017

Arising Out of PS.Case No. -84 Year- 2017 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

=====

Dhananjay Pandey S/o Prabhunath Pandey R/o village - Babhani, P.S. -
Kateya, District - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Rajkumar Harijan S/o Late Nath Ram R/o village - Amawa, P.S. Kateya,
District - Gopalganj.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Satyendra Rai

For the Opposite Party/s : Mr. Sri Jitendra Kumar Singh

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 29-11-2017 Heard learned counsel for the petitioner, learned
counsel for the opposite party no. 2 and learned APP for the State.

Petitioner seeks bail in connection with Complaint
Case No. 84 of 2017, Trial No. 1645 of 2017 for offences
punishable under Sections 406, 420, 467 of the Indian Penal Code.

The prosecution case, as lodged by the complainant
before the C.J.M. Gopalganj, is that while the complainant retired
from armed force, the petitioner along with his brother Keshav
Kumar Pandey approached for investment of money. The said



Keshav Kumar Pandey stated that he is working in Central Bank of India, deposited sum would fetch 2% monthly interest and 8.5% yearly interest. On such assurance, the complainant deposited 19 lacs with co-accused Keshav Kumar Pandey in presence of the petitioner and two others. But when the complainant did not receive any benefit he went to the bank but bank stated that there was no such scheme. The said co-accused Keshav Kumar Pandey also issued two cheques which were dishonored. Hence, the present complaint was instituted.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that the money is alleged to be taken by Keshav Kumar Pandey charges were issued under his signature and just because he is the full brother of the said co-accused, he has been made accused in the present case. He submits that there is no paper to show that the petitioner had taken any amount from the complainant and allegation is general and omnibus. He submits that the petitioner is languishing in judicial custody since 31.07.2017 and undertakes to co-operate in the trial on day to day basis.

However, learned counsel for the opposite party no. 2



vehemently opposes the prayer for bail stating therein that the customer service centre was being run by the petitioner along with other co-accused and all of them have embezzled the retrial money of the complainant. He submits that the main accused Keshav Kumar Pandey is absconding.

Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XV, Gopalganj, in connection with Complaint Case No. 84 of 2017, Trial No. 1645 of 2017, subject to the conditions that:

- (1) Both bailors would be close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating their relationship with the petitioner.



(2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Devendra/-

U		T	
---	--	---	--

