

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53730 of 2017

Arising Out of PS.Case No. -536 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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Ganesh Kumar Singh, son of Sri Sohan Singh, resident of Beur, P.S.-Beur,
District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar &
2. Manoj Kumar Son of Ram Chandra Mahto, resident of Maink Tola,
P.S. Mokama, District Patna.

.... Opposite Party/s

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With

Criminal Miscellaneous No.60304 of 2017

Arising Out of PS.Case No. -536 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Dilip Kumar Diwakar, son of late Anup Lal, resident of Meena Niketan,
Vijay Nagar, P.S. Town, District Katihar.

.... Petitioner/s

Versus

1. The State of Bihar
2. Manoj Kumar Son of Ram Chandra Mahto, resident of Mokh Tola,
Mokama, P.S. Mokama, District Patna.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.53730 of 2017)

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad, APP
Mr. Ashok Kumar Kashyap, Advocate

(In Cr.Misc. No.60304 of 2017)

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP
Mr. Ashok Kumar Kashyap, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

7/ 07-03-2018

Heard learned counsel for the petitioners and learned

APP for the State as well as counsel for the Opposite Party No.2.

Petitioners apprehend their arrest in **Complaint**

Case No.536-C of 2015 instituted for the offence under



Section(s) 420 Indian Penal Code pending in the Court of the
Sub-Divisional Judicial Magistrate, Barh, Patna.

The petitioners, who are the Directors, created agro based company, namely, M/s Active Rural Development India Ltd. having its office at Mokama at Begusarai. The Complainant started working as agent of the aforesaid company along with other persons. The company assured the depositors that the amount will be doubled in a very short period and there is full guarantee to return the amount. It is further alleged that the Complainant and other agents deposited amount of rupees fifty lacs for different depositors in the aforesaid company. When the time of repayment came, company did not make payment. The Complainant has stated that he has deposited rupees eighteen lacs of sixty six depositors. List of those depositors have been mentioned in Counter Affidavit filed by the Complainant-Opposite Party No.2.

Counsel for the petitioners has submitted that they have entered into compromise, which has been filed along with rejoinder to the Counter Affidavit.

This Court finds that compromise is totally vague. There is no specific assertion made by the petitioners to return the amount to the depositors.



The Court below has mentioned in the impugned that on perusal of lower court records, it appears that a list of about 95 persons, who are depositors of money in the company, is available on the record, but none of the those aforesaid cheated persons have compromised the case with the petitioners.

In such circumstances, this Court does not find it a fit case for grant of anticipatory bail.

Prayer of the petitioners for grant of anticipatory bail is **rejected**.

(Sanjay Priya, J)

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