

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.56316 of 2017

Arising Out of PS.Case No. -695 Year- 2016 Thana -KANKARBAGH District- PATNA

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1. Mahesha Nand Prasad S/o Late Nand Prasad, R/o Mohalla- Kadam Kuan,
Near Buddha Murti, West Lohanipur, P.S.- Kadam Kuan, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Anshuman, Advocate

For the Opposite Party/s : Mr. Manoj Kumar – 1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 03-01-2018 Learned counsel for the petitioner prays for correcting the name of the petitioner in the main petition in as much as he has filed a supplementary affidavit along with fresh Vakalatnama to the effect that Mahesha Nand Prasad and Mahesh Kumar are one and the same person.

Permission is granted.

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application for grant of anticipatory bail in connection with Kankarbagh P.S.Case No. 695 of 2016 registered for the offences punishable under Sections 447, 504, 506, 406, 420 and 120B of the Indian Penal Code and under Section 138 of the N.I.A. Act.



The allegation made by the complainant in his Complaint petition, which has been registered as Kankarbagh P. S. Case No. 695 of 2016 dated 25.11.2016, is that the accused persons namely, Rajiv Saraf, Kishan Lal Saraf, Ajay Saraf, Abhishek Dubey and others had approached the complainant and induced him to invest their money in business whereafter the said complainant had invested a sum of Rs. 90 lacs (Rs Ninety Lacs)from time to time, but no return was made to the complainant and when he requested to return the money, all accused persons refused to return the same.

It has further been alleged that when the complainant visited the office of the accused persons, they provided some cheques, which subsequently bounced and thereafter he again tried to approach the accused persons in their office but the aforesaid accused persons had beaten the complainant and he was threatened by the said accused persons as well as by the petitioner and told to go away otherwise he would be killed. It has further been alleged that the accused persons had conspired together and cheated the complainant.

Learned counsel for the petitioner submits that as far as the petitioner is concerned, he had left the said company in the year 2015 itself, hence, he had no role to play in the management



in any manner. It is further submitted that in view of the aforementioned submissions that the petitioner was neither an employee of the company nor the owner of the said company, the privilege of anticipatory bail should be extended to the petitioner.

It is also stated that the main accused persons, who are owners of the company and had issued chequest to the complainant, which have bounced, have already been granted bail vide order dated 17.10.2017 passed in Cr. Misc. No. 48992 of 2017 and order dated 13.09.2017 in Cr. Misc. No. 33838 of 2017.

Considering the nature of accusation and the fact that the main accused have already been granted bail by this Court, it is directed that the petitioner be released on anticipatory bail in the event of arrest or surrender within six weeks on furnishing bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of Smt. Madhvi Singh, Judicial Magistrate, 1ST Class, Patna in connection with Kankarbagh P. S. Case No. 695 of 2016, subject to the conditions enumerated under Section 438 (2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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