

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20975 of 2018

Arising Out of PS. Case No.-211 Year-2015 Thana- FORBESGANJ District- Araria

Rashida Khatoon @ Raseda Khatoon @ Rashia Khatoon W/o Md. Insan Ali
@ Insan Ali, R/o Village- Sangalpur Sandli, P.S.- Kadwa, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Deputy Registrar, Kishan Pariwar Agro Farming Ltd. At Station Road- Islampur, Islampur, P.O.- Islampur Uttar Dinajpur, District- Uttar Dinajpur, West Bengal Pin-733202.

... .. Opposite Party/s

with

Criminal Miscellaneous No. 8620 of 2018

Arising Out of PS. Case No.-211 Year-2015 Thana- FORBESGANJ District- Araria

Md. Insan Ali @ Insan Ali Son of Nawab Ali Resident of Village-Sangalpur Sandhi, Police Station-Kadwa, District-Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Deputy Registrar, Kishan Pariwar Agro Farming Ltd. At Station Road- Islampur, Islampur, P.O.- Islampur Uttar Dinajpur, District- Uttar Dinajpur, West Bengal Pin-733202.

.. ... Opposite Party/s

Appearance :

(In Criminal Miscellaneous No. 20975 of 2018)

For the Petitioner/s : Mr. V. N. Pd. Singh, Sr. Advcoate
Mr. Anamul Haque, Advocate

For the Opposite Party/s : Mr. Sri Ram Bilash Roy Raman, APP

(In Criminal Miscellaneous No. 8620 of 2018)

For the Petitioner/s : Mr. V. N. Pd. Singh, Sr. Advcoate
Mr. Anamul Haque. Advpcate

For the Opposite Party/s : Mr. Smt. Reena Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

9 20-08-2018 Heard learned Senior Counsel for the petitioners and

learned APP representing the State in both the cases.

At this stage, after the previous order directing

Investigating Officer to be present with the materials collected



so far, learned APP has placed before this Court a copy of the extract of the meeting of the Board of Directors of M/s Kisan Pariwar Agro Farming Ltd. held at its registered office situated at Station Road- Islampur, Islampur, P.O.- Islampur Uttar Dinajpur, District- Uttar Dinajpur, West Bengal. A copy of the extract of the meeting was handed over to learned Senior Counsel representing the petitioner on the last date and he had to address this Court with instruction if any. The extract of the resolution placed before this Court has not been disputed. It goes to show that these two petitioners along with one Sri Kumar Vijay Srivastava were the three Directors of this company and Md. Insan Ali (in Cr. Misc. No. 8620 of 2018) was elected to chair the meeting. He is shown to have been authorized to sign on behalf of company and also to operate the bank account individually.

In the aforesaid view of the matter, finding that the petitioner Md. Insan Ali was operating the bank account by virtue of the authorization, the prayer of grant of anticipatory bail to Md. Insan Ali in Cr. Misc. No. 8620 of 2018 is hereby rejected. Interim order stands vacated.

As regards the petitioner Rashida Khatoon (in Cr. Misc. No. 20975 of 2018) learned Senior Counsel submits that



no doubt she happens to be one of the Directors of the Company but from the resolution placed before this Court, it would appear that despite being the wife of Md. Insan Ali she was not a party to the signatories to the bank account. A distinction has been sought to be made with respect to this petitioner Rashida Khatoon also on the ground that one of the Directors namely, Sri Kumar Vijay Srivastava has been granted privilege of anticipatory bail by a learned co-ordinate Bench of this Court after rejection of the prayer of this petitioner by this Court at first instance. The submission is that the petitioner Rashida Khatoon is a lady and given the circumstances prevailing in the society, normally a lady is inducted in the business just for the name sake. In support of his contention, learned Senior Counsel submits that the fact that Rashida Khatoon had no active role to play in the business is also apparent from the materials so far collected by Police wherein the Police has recorded the statements of some of the witnesses. All of them have stated only about the presence of Md. Insan Ali along with other persons in the meeting organized in the village where the villagers were motivated to invest money in the company. It is submitted that in the case diary none of the witnesses has stated that this petitioner Rashida Khatoon had been attending the



meeting or that he had motivating the villagers to deposit money in the account. Learned Senior Counsel further submits that like Kumar Vijay Srivastava, she may also be granted privilege of anticipatory bail with some condition which she would abide by.

On the other hand, learned APP representing the State while opposing the anticipatory bail application of Md. Insan Ali has accepted to this extent that in the case diary at least none of the witnesses has come forward to say that the petitioner Rashida Khatoon was participating in any of the meetings to motivate the villagers to invest money and what has come in the statement of the witnesses so far is that Rashida Khatoon was looking after the working of the company in absence of her husband.

Having heard learned Senior Counsel representing the petitioner and learned APP for the State, in respect of petitioner Rashida Khatoon of Cr. Misc. No. 20975 of 2018, this Court is willing to grant privilege of anticipatory bail to the petitioner Rashida Khatoon. Keeping in mind that the petitioner Rashida Khatoon is not appearing to be an active Director inasmuch as the resolution nowhere shows that she was authorized to operate the bank account of the company. Further one of the Directors namely, Sri Kumar Vijay Srivastava has been granted



privilege of anticipatory bail by a learned co-ordinate Bench of this Court in Cr. Misc. no. 62165 of 2017 on the condition that on surrendering before the learned trial court, he would deposit a sum of Rs. 25,000/- in the Nazarat of the trial court, apart from the bail bond of Rs. 10,000/- with two sureties and then the further amount of Rs. 75,000/- will be deposited by him in three months in three installments.

Considering the similarity in the case of the petitioner Rashida Khatoon to that of Kumar Vijay Srivastava who has been granted privilege of anticipatory bail on 03.01.2018 after rejection of prayer of bail of this petitioner on 17.10.2017, in the changed circumstances, this Court is of the opinion that the petitioner Rashida Khatoon of Cr. Misc. No. 20975 of 2018, in case of her arrest or surrender in connection with Forbesganj P. S. Case No. 211 of 2015, be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria as also on deposit of Rs. 50,000/- (fifty thousand) simultaneously while submitting the bail bond within a period of three weeks from today and the rest amount of Rs. 50,000/- (fifty thousand) will be deposited in the court below within one month thereafter.



In case the petitioner Rashida Khatoon fails to abide by the aforesaid condition within the prescribed period, the privilege of anticipatory bail granted to her shall be treated to have been cancelled.

(Rajeev Ranjan Prasad, J)

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