

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56980 of 2017

Arising Out of PS.Case No. -1953 Year- 2016 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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MOTI PRASAD @ MOTI PRASAD YADAV, Son of Sheo Shankar Rai, resident of Village- Bhushani, Police Station- Buchahan, District- Muzaffarpur, at present resident of Chhatrapati Shivaji Road, Shiv Puri Colony, Police Station- Ishanchak, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Md. Yusuf Khan @ Babul Khan, Son of Late Akhtar Ali Khan, resident of Village- Sahebganj, P.S.- Vishwavidyalaya, District- Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subodh Kumar Mishra

For the Opposite Party/s : Mr. Brajendra Nath Pandey

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 10-01-2018 Heard the learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks anticipatory bail in connection with Complaint case no. 1953 of 2016 registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

The allegation against the petitioner is that while he was working as an agent of Ramel Industries Limited, he used to get deposited the money of the investors in the company in which he was working. However, subsequently, the Branch Manager and the owners of the said company had closed the company and fled away.



The learned counsel for the petitioner submits that the petitioner is merely an agent and he had accepted the deposit of the depositors on behalf of the company and deposited the same with the company, which has been embezzled by the owners of the company i.e. Director and the Branch Manager.

The learned counsel for the informant has vehemently opposed the prayer for grant of anticipatory bail to the petitioner and submits that he was also an agent of the company and in view of being lured by the petitioner, the depositors deposited the money with the petitioner herein, however, the petitioner had embezzled the said money.

Having regard to the facts and circumstances of the case, in the event of arrest or surrender within six weeks before the concerned court, the petitioner above named is directed to be released on anticipatory bail on furnishing bonds of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Bhagalpur in connection with Complaint case no. 1953 of 2016, subject to the conditions laid down under Section 438(2) of Code of Criminal Procedure.

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(Mohit Kumar Shah, J)

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