

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16658 of 2018

Arising Out of PS.Case No. -244 Year- 2017 Thana -DARBHANGA COMPLAINT CASE District-
DARBHANGA

- =====
1. Ratan Kumar Singh @ Ratan Singh, Son of Late Shambhu Prasad Singh,
 2. Akash Kumar Mehta @ Aakash Singh @ Ballu, son of Ratan Singh, Both are resident of Village- Jalley, P.S- Jalley, District- Darbhanga.
 3. Jitendra Prasad Dhiraj @ Sonu Sah, son of Bal Kishun Sah, resident of Village- Nagdih, P.S.- Jalley, District- Darbhanga.
 4. Rajan Kumar Singh @ Rajan Singh, son of Ram Babu Singh @ Kamando, resident of Village- Jogyara, P.S.- Jalley, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Asma Khatoon, wife of Md. Sadre Alam, resident of Village- Jalley, Darji Mohalla, P.S.- Jalley, District- Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Jha, Advocate
For the Informant : Mrs. Mohini Kumar, Advocate,
: Mr. Shailendra Kumar Jha, Advocate
For the Opposite Party/s : Smt. Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 26-06-2018 Heard learned counsel for the petitioners, learned counsel
for the informant and the State.

The petitioners apprehend their arrest in **C.R. Case No. 244 of 2017** instituted for the offence under Sections 406, 420, 504 and 120(B) of the Indian Penal Code.

In the complaint petition it is alleged that all the accused persons persuaded the informant to deposit the amount in non-banking company namely “Anushree Infracity Limited” with assurance that he will get return. On such assurance, the informant as well as other



persons as named in the complaint petition deposited amount in aforesaid Company total amounting to Rs.3,10,600/-. The complainant has also deposited Rs.35,800/- and witness Sahnaz Khatoon deposited Rs.10,800/-. It is alleged that on 24.10.2016, petitioner Nos. 1 and 4 assured the complainant after meeting that they will return the money, but the money was not returned. Petitioner No. 1 assured the complainant that he is running the company and he will be liable to make payment of the aforesaid amount which is deposited by the complainant and other persons as mentioned in the complaint petition.

Learned counsel for the petitioners has submitted that co-accused Mukesh Sah @ Mukesh Kumar Gupta has already been granted anticipatory bail by a coordinate Bench of this Court vide order dated 11.01.2018 passed in Cr. Misc. 63685 of 2017.

From the allegation in the complaint petition, it appears that there is specific allegation against petitioner Nos. 1 and 4.

Therefore, this Court is not inclined to grant anticipatory bail to petitioner Nos. 1 and 4 namely, Ratan Kumar Singh @ Ratan Singh and Rajan Kumar Singh @ Rajan Singh.

Prayer for bail of petitioner Nos. 1 and 4 stands rejected. They may surrender before the court below and make prayer for regular bail which shall be disposed off by the court below in accordance with law, if possible, on the same day.

So far petitioner Nos. 2 and 3 are concerned, there is no specific allegation against them. Therefore, prayer for anticipatory bail



of the petitioner Nos. 2 and 3 namely, Akash Kumar Mehta @ Aakash Singh @ Ballu and Jitendra Prasad Dhiraj @ Sonu Sah is allowed. In the event of surrender/arrest of the petitioner Nos. 2 and 3, named above, within six weeks from today, in connection with **C.R. Case No. 244 of 2017**, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned **Additional Chief Judicial Magistrate-VII, Darbhanga**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bond and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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