

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.56922 of 2017

Arising Out of PS.Case No. -45 Year- 2015 Thana -BHAGALPUR KOTWALI

District- BHAGALPUR

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Md. Asif Khan @ Ashif Khan, S/o Md. Allauddin Khan, aged about 28 years, resident of village-Manihari Makkan Tola, P.S.-Manihari, District-Katihar.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajkumar Rajesh, Adv.

For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

4 19-01-2018 The petitioner seeks pre-arrest bail in connection with Kotwali (Adampur) P.S. Case No. 45 of 2015, dated 18.01.2015, instituted for the offences punishable under Sections 420, 406, 409, 467, 468 and 471 of the Indian Penal Code.

The petitioner is alleged to be one of the office bearers of Sunshine Global Agro Limited, a registered company under the Companies Act, in which certain investors had deposited money, but the same was not being returned to them on demand.



Learned Counsel for the petitioner has submitted that he was only an office bearer of the company and he resigned from his assignment on 02.12.2014. It has further been submitted on behalf of the petitioner that the company was restrained from dealing with any investment activities at the instance of the SEBI and perforce the agents and other functionaries of the company, at the grass root level, were retrenched. The present case has been lodged by the agents of the company, who have chosen to make this case a defence for any action against them by the investors. In fact, the agents are the interface between the investors and the company officials and many a times, it was found out, while the petitioner was in service, that the money of the investors were not deposited by the agents.

Learned Counsel for the petitioner has also submitted that one of the co-accused person, namely, Raj Gopal Pandey @ Ram Gopal Pandey, has been granted anticipatory bail by order, dated 10.05.2016, passed in Cr. Misc. No. 4031 of 2016.

For the reasons aforesaid, the petitioner, above named, in the event of his arrest or surrender before the learned court below, within a period of four weeks from the date of receipt/production of a copy of this order, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-



(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, in connection with Kotwali (Adampur) P.S. Case No. 45 of 2015.

(Ashutosh Kumar, J)

Praveen-II/-

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