IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27068 of 2017

Arising Out of PS. Case No.-369 Year-2006 Thana- KOTWALI District- Munger

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Ramdeo Prasad Yadav, Son of Late Keshaw Yadav, Resident of Village- Mathar, P.S. Khagaria, District- Khagaria.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate.
For the Opposite Party/s : Mr. Sri Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

9 03-10-2018 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Munger Kotwali P.S. Case No. 369 of 2006 registered under Sections 409, 419, 420, 465, 467, 468 and 471 of the Indian Penal Code.

The allegation of informant, Smt. Renu Singh, is that she is the C.M.D. of IDIO Construction and Industries (India) Ltd. having its Head Office, at Kidwaipuri, Patna, in which, six other persons are the Members of Board of Director have 92% share in the company. All the important documents related to company according to rule are kept in the custody of

C.M.D, C.E.O. and documents were inspected by Regional Director Company Affairs, Government of India, Kolkatta. Only the Member of Board of Directors is authorized for correspondance and producing the documents of the company in any matters. The said company is acquired the land under Jalwa Quartz Quartize Mines at Mauza- Bishunpur, P.S.- Piri Bazar, District- Lakhisarai measuring area 48.92 acres on lease for 30 years but some unsocial elements, named in the F.I.R. including the petitioner, under conspiracy created fake company in the name of IDIO Construction and Industries (India) Ltd. and took loan of Rs.8,50,000/- from PACS Co-operative Bank, Nauwagarhi Branch, Munger and the loan amount was distributed amongst them.

Learned counsel for the petitioner submits that petitioner is simply farmer and has falsely been implicated in this case with allegation to create forged company in the name of company of the informant and withdrawing Rs.8,50,000/- and distributing amongst the members of the fake company. The petitioner has not put his signature on any paper in creating the fake company in the name of company of the informant nor he put signature in taking the loan. Further submission is that petitioner has no criminal antecedent and co-accused, Vijay

Prasad, has already been granted privilege of pre-arrest bail by coordinate Bench of this Court vide order dated 01.08.2017 passed in Criminal Misc. 9294 of 2017. It is further submitted that charge sheet has already been submitted against the petitioner, which is not denied by the learned counsel for the Economic Offence Unit.

Learned counsel for the Economic Offence Unit submits that in course of investigation some documents are seized including the documents related to take loan, in which one is the declaration, on which, this petitioner has put his signature as Chairman of the fake company created in name of company of the informant.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Munger, in connection with Munger Kotwali P.S. Case No. 369 of 2006, subject to the condition as laid down under Section 438(2) of the Cr.P.C. with further conditions that bailors should be close relative of the petitioner, who will file an affidavit to the effect that they will inform to the court in case of change of address of the petitioner.

(Rajendra Kumar Mishra, J)

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