

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23833 of 2018

Arising Out of PS.Case No. -1132 Year- 2016 Thana -GAYA COMPLAINT CASE District- GAYA
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1. Mritunjay Kumar Son of Nand Kishore Prasad
2. Nand Kishore Prasad Son of Late Triloki Prasad Both residents of Village - Kharauna, P.S. - Bodh Gaya, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mukesh Kumar S/o Sri Om Prakash Gupta R/o Village - Kujap, P.S. - Chandauti, District - Gaya.

.... Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Ashutosh Singh

For the Opposite Party/s : Mr. Sri Sakir Ahmad
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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 29-06-2018 Heard the parties.

The petitioners are apprehending their arrest in connection with Complaint Case No.1132 of 2016 , registered for offences punishable under Section 420 of the Indian Penal Code.

Allegation against the petitioners is that they were running a non-banking association known as Swarnbhumi Mutual Benefit India Ltd. and they have collected Rs.10,00,000/- from the complainant and now they are not returning the same.

Submission of the learned counsel for the petitioners is that he has annexed memorandum of the association, which clearly shows that the petitioners are not Directors of the Company rather the complainant is himself one of the Director of the Company as



such the petitioners have no role in that.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above , let the petitioners, above named, surrender before the court below within a period of six weeks from the date of order and on surrender they will be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M, Gaya in connection with Complaint case No.1132 of 2016 dated 6.8.2016, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall co-operate in the investigation of the case and make themselves available as and when required by the Police, otherwise, the prosecution is free to move for cancellation of their bail bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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