

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57952 of 2018

Arising Out of PS. Case No.-695 Year-2016 Thana- BUXAR COMPLAINT CASE District-
Buxar

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Avinash Kumar Thakur, son of Sanjay Thakur, resident of Jaso Road, Near
Brahma Asthan Golumber, P.S.- Mufassil Buxar, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Babita Tiwari wife of Sri Nagendra Tiwari, Resident of Village- Jaso, P.S.-
Buxar Mufassil, District- Buxar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mr. Nilesh Kumar, Advocate
Mr. Pravin Kumar, Advocate
Mr. Swati Sinha, Advocate
For the Opposite Party/s : Mr. J.N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 07-12-2018 Heard Mr. Ajay Kumar Thakur, learned counsel for
the petitioner and learned Mr. J.N. Thakur, learned APP for the
State.

It appears from the order dated 22.11.2018 that on the
prayer of the learned counsel for the opposite party no.2, as a
last indulgence, the matter was adjourned for today but none is
appearing on behalf of opposite party no. 2.

The petitioner is apprehending his arrest in a
complainant case, wherein, process has been directed to be



issued after cognizance being taken for the offences punishable under Sections 420, 468 and 120B of the Indian Penal Code.

The prosecution case as per the complaint filed by the complainant-opposite party no. 2 alleging therein that the co-accused Birendra Thakur opened a Chit Fund firm in the name of Aryan Agro Project India Limited Company in the year, 2011 and he was the Director of that Company and co-accused Indira Devi and this petitioner were working in the company as Assistant Top Leader and Officer. On assurance of the accused persons the complainant has deposited Rs.10,000/-, his father Dinanath Dubey Rs.2,00,000/-, his sisters Savita Devi and Umarwati Devi deposited Rs. 2,00,000/- and Rs.4,00,000/- respectively. The said money was given to the co-accused Birendra Thakur, Indira Devi and this petitioner and in lieu thereof bonds were given. When the complainant went to withdraw the money and the maturity amount, the money was not paid to the complainant and thereafter the accused persons fled away.

It is submitted by learned counsel for the petitioner that the petitioner was not in the management of the financial company. The memorandum of the company has been brought on record as Annexure-3 which suggests that the petitioner was



not in the management of the company. In fact, the complainant used to work as collecting agent in the said company and in order to save his own skin the present complaint has been lodged and in spite of giving adjournment the complainant has chose not to appear to controvert the contention of the petitioner. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that there is specific accusation against the petitioner.

Considering the accusation with regard to invested money of the complainant, it appears that the petitioner is not in the Board of Directors, petitioner is not holding any post in the management of the company in question and thrust of accusation is against co-ccused Birendra Thakur, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Complaint Case No. 695© of 2016,



subject to the conditions as laid down under Section 438(2) of
the Cr.P.C.

(Dinesh Kumar Singh, J)

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