

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 57986 of 2018

Arising Out of PS. Case No.-11 Year-2015 Thana- BELA INDUSTRIAL District-
Muzaffarpur

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1. Archana Kumari D/o Arvind Singh
2. Binit Kumar S/o Arvind Singh
Both resident of Village Parwada, P.S. - Belsar, District -
Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Alok and Mr. Virendra Kumar, Advocates
For the State	:	Mr. Jharkhandi Upadhyay, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 11-12-2018

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in Bela P.S. Case No.
11 of 2015 dated 04.04.2015 instituted under Sections
419/420/406/467/468/471/341/323/504/34 and 120B of the Indian
Penal Code.

3. The petitioners, who are brother and sister and
employees of the company which has defalcated the investors of
their money have been alleged to have committed a crime along
with six other persons. However, their role is limited to handing
over the K.Y.C. form to a few customers.



4. Learned counsel for the petitioners submitted that they were on employment of the company which is said to have fraudulently taken deposit of persons and defalcated the same. Learned counsel submitted that they being paid employees were only working in that capacity and even in the complaint, it has only been stated that the petitioner no. 1 was the person who was giving the K.Y.C. form to the customers for filling up and petitioner no. 2 is said to have abused the persons who had gone to the office of the company seeking explanation when they found that the company was neither registered in India nor outside. It was further submitted that the main accused Alok Kumar Srivastava has been granted anticipatory bail by a co-ordinate Bench on 21.02.2018 in Cr. Misc. No. 12547 of 2017 and his wife Mamta Srivastawa has been granted anticipatory bail on 13.03.2018 in Cr. Misc. No. 59211 of 2017 as also his mother and sister on 23.11.2016 in Cr. Misc. No. 6871 of 2016. He also produced copy of order dated 20.09.2018 by which another co-accused Prakash Kumar Srivastava has been granted anticipatory bail in Cr. Misc. No. 57390 of 2018. It was further submitted that though the petitioners are accused in six others cases but all relate to the same company and the allegations made are similar.



5. Earlier the Court while directing for no coercive steps had also called for the copy of the case diary. The same has since been received.

6. Learned A.P.P., after going through the case diary submitted that till date, chargesheet has not been submitted against the petitioners as investigation against them is going on and nothing substantive has come with regard to their role in the crime except that they were the employees of the company.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below, within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 12th Muzaffarpur in Bela P.S. Case No. 11 of 2015, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. One of the bailors shall be a close relative.

8. The petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners. The petitioners shall also give an undertaking to the Court that they shall not indulge in any criminal activity. Any violation of the terms and



conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds. The petitioners shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.

(Ahsanuddin Amanullah, J)

P. Kumar

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