

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.7571 of 2019

Arising Out of PS. Case No.-4055 Year-2013 Thana- PATNA COMPLAINT CASE District-
Patna

NISHANT KUMAR son of Nitendra Narayan Singh Resident of Mohalla-
Agarwa Lala Tola, P.O and P.S.-Motihari town, District-East Champaran

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Mukul Kumar Late Babulal Rajak Resident of Mohalla-Shanti Vihar,
Ambedkar Path, Near poonam Gas Godown, P.S.-B.V College, P.S.-shastri
Nagar, Patna-800014

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pravin Kumar

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 22-04-2019 Heard the parties.

The petitioner is apprehending his arrest in connection with Complaint Case No.4055(C) of 2013 registered for offences punishable under Sections 406, 420 and 138 of the Indian Penal Code.

Allegation as per the complaint petition is that complainant invested some money in Enkay Securities, which is franchise of S.K.P. Securities Pvt. Ltd., Kolkata and the accused no.1-petitioner opened D-mat account in the name of the complainant in his parentage Agency. It further appears that altogether Rs.18,00,000/- have been invested by the complainant and thereafter the accused no.1 -petitioner stopped business with the complainant and the D-mat Account was also closed and when the complainant asked to refund the amount , he promised to refund the amount with 100 % profit but the



petitioner has closed his office and shifted to Delhi and purchased a flat there.

Submission of the learned counsel for the petitioner is that he has been falsely implicated in this case and it is a civil dispute.

Heard learned A.P.P. and the learned counsel for the complainant. They have opposed the prayer for bail stating that another FIR was lodged in connection of the another case and the prayer for bail of the petitioner was rejected by a Co-ordinate Bench of this Court, vide order dated 12.3.2019 passed in Cr. Misc. No.48587 of 2018..

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant privilege of anticipatory bail to the petitioner, however, the petitioner is directed to surrender before the learned court below within a period of six weeks from the date of order and make prayer for regular bail, which will be considered by the learned court below on its own merit.

With the aforesaid observation, this application is dismissed.

(Vinod Kumar Sinha, J)

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