

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18906 of 2019

Arising Out of PS. Case No.-2116 Year-2017 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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GUDDU KUMAR SINGH Son of Late Banaras Singh Resident of
Grampanchayat Bishunpur Baladhari, Village - Kauri Khurd, P.S.- Hajipur
Sadar, District - Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Alpana Kumari W/o Amresh Kumar Resident of Village-Gadai Sarai, P.S-
Sadar Hajipur, Dist.-Vaishali

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh
For the Opposite Party/s : Mr.Shaheen Begum

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 26-08-2019 The petitioner apprehends his arrest in connection with

Complaint Case No. 2116 of 2017 registered under Sections

323,406 and 417 of the Indian Penal Code.

Allegation against the petitioner, as per complaint, is that
petitioner, being Manager and Agent of P.A.C.L. India Ltd.,
persuaded the complainant to deposit a sum of Rs. 600/- per
month in P.A.C.L. India Ltd. which is a non-banking financial
company, and the same would be returned with interest. It is
alleged that complainant deposited total amount of Rs. 20,400/-
in P.A.C.L. India Ltd. through the petitioner but after expiry of
maturity period, petitioner and others did not return the
deposited amount and refused to refund the same.



Learned counsel appearing on behalf of the petitioner submits that petitioner has committed no offence in the manner alleged and whatever amount petitioner has received from the complainant, he has issued receipt to the complainant and has deposited in the account of P.A.C.L. India Ltd. Learned counsel submits that petitioner is merely an agent of P.A.C.L. India Ltd. and is not responsible for refund of the amount. He submits that several depositors of P.A.C.L. India Ltd. moved before the Hon'ble Supreme Court and the Hon'ble Supreme Court, by order dated 02.05.2016 in I.A.No. 4, 5, 7, 3 of 2016 in Civil Appeal No. 13301 of 2015, 13319 of 2015, 13394 of 2015 and 13410 of 2015, directed that according to Lodha Committee, all the property and bank accounts of P.A.C.L. India Ltd. shall be transferred to SEBI and SEBI shall return the amount of depositors.

On the other hand, learned counsel for the complainant vehemently opposes the prayer for anticipatory bail and submits that complainant deposited a total sum of Rs. 20,400/- but the receipt up to year 2014 has only been issued and the petitioner did not give the receipt of the amount which was given to the petitioner by the complainant for depositing it in P.A.C.L. India Ltd.



After having heard learned counsel for the parties and taking into consideration the fact that as per the Supreme Court order, money deposited by the complainant and others shall be refunded by SEBI and further submission is that complainant had given the amount to the petitioner but the petitioner did not issue any receipt in lieu thereof is not substantiated. Accordingly, I am inclined to grant anticipatory bail to the petitioners.

Let the petitioner, above-named, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on anticipatory bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned ACJM-16-cum-Sub Judge-17, Hajipur Vaishali in connection with Complaint Case No. 2116 of 2017, Tr. No. 1923 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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