

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18824 of 2019**

Arising Out of PS. Case No.-1943 Year-2017 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

=====

DILIP KUMAR(aged about 46 years, male) Son of Kailash Prasad Resident of Village - Chandmari, Ward No.26, P.S.- Nagar Motihari, District- East Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Md. Farhan Alam(Aged about 27 Yrs., Male) Son of Md. Aftab Alam Resident of Village - Khuda Nagar, P.S.- Nagar Motihari, District- East Champaran.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ravi Prakash Dwivedi
For the Opposite Party/s : Mr.Dashrath Mehta

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 01-04-2019 Heard both sides.

The petitioner apprehends his arrest in Complaint Case No.1943 of 2017 registered under Section 420 of the Indian Penal Code and under Section 138 of N.I.Act.

The complainant named the petitioner along with the other accused persons in the complaint petition being the agent of Real India who persuaded the complainant and others to deposit the amount in daily deposit scheme of the company. The complainant deposited Rs.9,90,000/- but after maturation, the complainant did not receive any amount. The complainant further alleged that Pradip Gupta, Managing Director of the



company issued two cheques each of Rs.3,54,000/- but the cheques on being deposited for clearance could not be honoured.

The learned counsel for the petitioner submits that petitioner did not issue any cheque. Petitioner was an agent of the company. Many other agents were also appointed by the company. The duty of the agent to collect money from the customers and deposit the same in the account of the depositors lying in the company. There is no allegation that the petitioner did not deposit any amount taken from the customers.

Having considered the facts aforesaid and the fact that the petitioner, being agent of the company, deposited money in the account of the depositor-complainant but the company did not make payment after maturation of the amount and for that, the cheques were issued by the Managing Director of the company, accused No.1-Pradip Gupta and not by the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Praduman Kumar, J.M., Motihari, East Champaran in



connection with Complaint Case No.1943 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

Saurabh/-

U		T	
---	--	---	--

