

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21253 of 2019

Arising Out of PS. Case No.-489 Year-2016 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

=====

JYOTI OJHA @ JYOTI KUMAR OJHA Son of Late Kaushal Kumar Ojha
Resident of Mohallah- Maulabag in the Lane of Dr. Isha, P.S.- Ara (Nawada),
District- Bhojpur (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar
2. S.P. Srivastava Son of Late Haridwar Prasad Resident of Karman Tola, P.S.-
Ara Nawada, P.O.- Ara, District- Bhojpur.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Gajendra Nath Ojha
For the Opposite Party/s : Mr.Bharat Bhushan

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

7 26-08-2019 This application, for grant of anticipatory bail, arises

out of Complaint Case No. 489 (C) of 2016, disclosing offences

under Sections 406, 420, 467, 468 of the Indian Penal Code.

Prosecution case is that the petitioner was posted as

Branch Manager in KARVY Broking Company Limited and co-
accused Ravindra Singh was posted there a Operator and they
convinced the petitioner to open a Demat account for share
trading and they obtained the signature of the complainant for
opening the account and complainant deposite share certificate
for D.P. but did not allow them for trading and jobbing.
However, without knowledge of the complainant sold the share
and, thereafter, petitioner left the company and when he asked



the company to give the information with regard to status of his account but they did not provide the information, thereafter, the petitioner sent a legal notice to the company to pay the sale proceeds with interest but the same has not been paid till date.

Submission of learned counsel for the petitioner is that he has falsely been implicated in this case and in fact the complainant himself used to do online trading and the share in question has been sold by the petitioner himself and only when the petitioner left the said company, complainant has come with this false and if petitioner has any grievance, he may have complaint the same to SEBI but the same has not been done.

Heard learned A.P.P. also.

In this case notice was issued to opposite party no. 2 and it appears that the ordinary notice has been received by the compounder of the petitioner and registered notice has been received by one Sanjeev Kumar but opposite party no. 2 has not appeared.

Having heard both sides, in view of the above facts, this application is disposed of with direction to the petitioner to surrender in the court below on 06.09.2019 before the learned court below and the court below shall release the petitioner on bail for a period of two months and in the meantime, the court



below will issue notice to the opposite party no. 2 and after hearing the parties, the court below will pass an appropriate order either confirming the provisional bail of the petitioner or cancelling the same.

(Vinod Kumar Sinha, J)

sunilkumar/-

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

