

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63392 of 2018

Arising Out of PS. Case No.-179 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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Baban Rai @ Baban Roy, Son of late Vishwanath Rai, Resident of
Khemanichak Purbi Laxminagar, P.S. Ram Krishna Nagar, Distt.-Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Binod Saw, Son of late Madan Saw, Resident of Mohalla Shiv Nagar
Khemanichak P.S. Subash Nagar, P.S. Ram Krishna Nagar, Distt.-Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kameshwar Singh

For the Opposite Party/s : Mr.Sri Pranav Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 09-04-2019 Heard learned counsel for the petitioner, learned
counsel for the complainant-opposite party no. 2 and learned
APP for the State.

The petitioner is apprehending his arrest in a
complaint case wherein process has been directed to be issued
after cognizance being taken for the offences punishable under
Sections 406 and 417 of the Indian Penal Code.

The prosecution case as per the complaint petition is
that the petitioner being an agent of a non-banking financial
company namely, Maitreya Plotters and Structure Pvt. Ltd.



Persuaded the complainant to deposit Rs.72,000/- in the said company in installments between 31.03.2010 to 29.03.2015. The complainant was assured to get double amount or a plot within six years.

It is submitted by learned counsel for the petitioner that this is not in dispute that the money was deposited in the financial complainant and the complainant got receipt of the deposit. Subsequently, after having received the complaint the Department of Home, Govt. of Maharashtra issued a notification under the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999, whereby the property of the said company has been attached and the Deputy Collector, General Administration, Mumbai Suburban District, Bandra, Mumbai has been appointed as Competent Authority to exercise control over the properties attached of the Financial Establishments and its Directors and hence, now the complainant has a remedy to apply before the Competent Authority appointed by the Govt. of Maharashtra. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the complainant submits that the complainant was persuaded by the petitioner to deposit the



money. All the money was deposited in the company through the petitioner and petitioner gave receipt of the money but the petitioner did not make any sincere effort to get the money of the complainant returned from the financial company. But the order of the attachment issued by Govt. of Maharashtra it appears that the plot is situated in the State of Maharashtra. Hence, it appears that the complainant has been cheated by the petitioner.

Learned counsel for the State submits that the money was deposited in the financial company through the petitioner and the petitioner cannot be absolved from his liability.

Considering the fact that this is not in dispute that the money has been deposited in a non-banking financial company and the fact that the property of the company has been attached and Competent Authority has been appointed under the provisions of Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount



each to the satisfaction of learned A.C.J.M. -cum- Sub-Judge
XIII, Patna in connection with Complaint Case No. 179© of
2017, subject to the conditions as laid down under Section
438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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