

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44425 of 2019

Arising Out of PS. Case No.-3 Year-2019 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

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DHIRAJ KUMAR Son of Anil Kumar Verma Resident of Chitragupta Nagar,
Mohanpur, P.S.- Muffasil Samastipur, District- Samastipur.

... .. Petitioner

Versus

1. The State of Bihar
 2. The State of Bihar through the Economic Offence Unit Bihar, Patna. Bihar
- Opposite Parties

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with
CRIMINAL MISCELLANEOUS No. 46044 of 2019

Arising Out of PS. Case No.-3 Year-2019 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

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NEELAM KUMARI Wife of Anil Kumar Verma Resident of Santnagar,
Gangajala Ward No.-35, Town, P.S. and District- Saharsa

... .. Petitioner

Versus

1. The State of Bihar
 2. The State of Bihar through the Economic Offence Unit, Bihar Patna
- Opposite Parties

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 44425 of 2019)

For the Petitioner/s : Mr.Abhay Shankar Singh
Nr, Amit Kumar Mishra

For the Opposite Party/s : Mr.Shyameshwar Dayal

For the EoU : Mr.Akhileshwar Pd. Singh, Senior Advocate
Mr. Vijay Anand, Advocate

(In CRIMINAL MISCELLANEOUS No. 46044 of 2019)

For the Petitioner/s : Mr.Abhay Shankar Singh

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

6 01-10-2019 Heard learned counsel for the parties.

Both these applications for anticipatory bail arise
out of Economic Offence (Bihar, Patna) P.S. Case No. 3 of 2019
for the offence punishable under Sections 406, 420, 467, 468,



471, 472 and 120B of the Indian Penal Code.

It appears that on the basis of a communication dated 29.01.2019, made by the Reserve Bank of India, addressed to Inspector General, Economic Offences Unit, Bihar, the First Information Report has been registered. The said communication is part of the First Information Report, from which it transpires that one Anilam Nidhi Limited Micro Finance Bank was noticed claiming to be a Non-Banking Financial Corporation registered by the Reserve Bank of India and was having a banking licence as small finance bank. With such representation, the said company is said to have induced investors to invest money. The petitioners are, admittedly, Directors of the company.

After having received the said communication, an enquiry was conducted by the Economic Offences Unit, whereafter it came to light that co-accused Achal Harsh and these petitioners, who were forming the Board of Directors, by way of misrepresentation had made several investors to deposit huge amount of money in the said company, in breach of statutory requirements.

Learned counsel appearing on behalf of the petitioners has submitted that petitioner of Cr. Misc. No. 44425



of 2019 is brother of mother of co-accused Achal Harsh, who is the main person working as Managing Director of the company. The petitioner, according to the learned counsel, is merely a name lender as one of the Directors of the company. In respect of petitioner of Cr. Misc. No. 46044 of 2019, he has argued that she is mother of said Achal Harsh and she too is merely a name lender like petitioner of Cr. Misc. No. 44425 of 2019.

Considering the gravity of the offence and its magnitude coupled with possibility of tampering with the evidence, I am not inclined to grant the petitioners privilege of anticipatory bail. However, in respect of petitioner of Cr. Misc. No. 46044 of 2019, with reference to a supplementary affidavit, which has been filed today, it has been argued that she is suffering from carcinoma, which had started from breast, but has spread over to bone marrow.

Considering the said aspect of the matter, prayer for anticipatory bail of Neelam Kumari, petitioner of Cr. Misc. No. 46044 of 2019 is allowed.

Let the petitioner of Cr. Misc. No. 46044 of 2019, namely, Neelam Kumari, in the event of her arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand)



with two sureties of the like amount each to the satisfaction of the learned C.J.M., Samastipur, in Economic Oficence (Bihar, Patna) P.S. Case No. 3 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present herself before the Police/Court, as the case may be, as and when required and in the event of failure on her part to appear before the Court on two consecutive occasions, her bail bonds shall be liable to be cancelled.

The prayer for bail of petitioner of Cr. Misc. No. 44425 of 2019 is rejected.

He is, however, directed to surrender before the Court below within a period of four weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered by the learned Court below on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail.

(Chakradhari Sharan Singh, J)

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