IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58329 of 2019

Arising Out of PS. Case No.-4 Year-2019 Thana- ECONOMIC OFFENCES, BIHAR District- Patna

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AMITABH KUMAR PANDEY Son of Late Gouri Shankar Pandey Resident of Mohalla - House No. 241, Patliputra Colony, P.S.- Patliputra, Distt - Patna.

... ... Petitioner/s

Versus

THE STATE OF BIHAR THROUGH DIRECTOR ECONOMIC OFFENCES UNIT, PATNA Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Ranjan Kumar Jha
For the Opposite Party/s : Mr. Vijay Anand

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 16-10-2019 Petitioner seeks bail in anticipation of his arrest in connection with Economic Offence P.S. Case No. 04 of 2019 registered for the offences punishable under Sections 406, 420, 467, 468, 471, 472, 120B of the Indian Penal Code and Section 3 of Bihar Protection of Interest of Depositors (In Finance Establishment) Act, 2002.

As per FIR the Economic Offence Unit has received complaint of one Rajiv Kumar Baldiyar through Sachet Portal made to RBI against Ashirwad Micro Finance Company which is situated at S.P. Verma Road, Patna regarding carrying illegal business of recurring deposit and term deposit against prevailing rule without any certificate/permission from the RBI and the Company collected Rs. 1 crore 25 lac from the different customers with assurance that the Company will pay back the amount to the customers but the Company is not paying back the money. It is also said that the Company has no licence from the RBI nor the same is informed to the District Magistrate as required under BPID Act, 2002. On inquiry the petitioner was found to be the Chief General Manager of the Company and there were other Directors in the Company.

Submission of learned counsel for the petitioner is that he is only a paid employee of the Company and he is not liable for the aforesaid act, whereas other accused persons are Managing Director and Directors of the Company.

Heard learned counsel for the Economic Offence Unit, who has opposed the prayer for anticipatory bail on the ground that materials collected during investigation disclosed that petitioner is also involved in the transaction and altogether Rs. 1 crore 25 lac was collected from different customers without having proper licence from the RBI and no information was given to the District Magistrate and they are not returning the amount.

In view of above allegation, I am not inclined to grant the privilege of anticipatory bail to the petitioner. He may surrender and pray for regular bail, which shall be considered on the basis of materials collected in the case diary, without being prejudiced by this order.

Accordingly, this application is dismissed.

(Vinod Kumar Sinha, J)

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