IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72723 of 2019

Arising Out of PS. Case No.-2512 Year-2018 Thana- GOPALGANJ COMPLAINT CASE District- Gopalganj

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1. Ramayan Prasad, Son of Shiv Govind Mahto, Resident of Village-Khairatiya, P.S.- Kuchaikote, District- Gopalganj.
2. Jitendra Mahto @ Jitendara Chauhan, Son of Bharath Mahto @ Bharat Chauhan, Resident of Baghauch Bazar, P.S.- Kuchaikote, District-Gopalganj.

... ... Petitioner/s

Versus

1. The State of Bihar
2. Mahadeo Mahato S/o Late Khedaru Mahto Resident of Village- Khairatiya, P.S.- Kuchaikote, District- Gopalganj.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Indrajeet Bhushan
For the Opposite Party/s : Mr.Rana Randhir Singh

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners in this case are seeking anticipatory bail in connection with Complaint Case No.2512/18 registered for the offences punishable under Sections 406, 420 and 120B of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. Learned counsel submits that the petitioners have committed no offence as alleged in the FIR.

Learned APP for the State is present and has opposed the prayer for anticipatory bail of the petitioners.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioners that the petitioners were working as agent of the company namely PACL Ltd. and money was deposited by the investors in the said company against which they were given bonds, but later on the said company failed to meet its obligation towards investors and now the Securities and Exchange Board of India has constituted a Committee namely Justice (Retd.) R.M. Lodha Committee pursuant to the order dated February 2, 2016 of the Hon'ble Supreme Court in the case of Subrata Bhattacharya v. Securities and Exchange Board of India and in case the investors are willing to claim their money they can approach the said committee, but in no case these petitioners who were mere agents of the company may be prosecuted and the further submission that the allegation against these petitioners is not that they have kept the money themselves and/or have not deposited with the company, let the petitioners in the event of their arrest or surrender within a period of four weeks from today, be enlarged on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VII, Gopalganj in connection with Complaint Case No.2512/2018, Tr. No.2127/2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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