

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11712 of 2020

Arising Out of PS. Case No.-829 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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Dhirendra Singh @ Dhirendra Kumar Son of Late Ravindra Singh Resident
of Village - Nuruddinpur, Police Station - Khushroopur, District - Patna at
present resident of Baithakpur, Police Station - Khusroopur, District - Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Vinay Singh Son of Sri Suresh Singh Resident of Nuruddinpur, Police
Station - Khushroopur, District - Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Lokesh Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Dashrath Mehta, APP
For the Complainant	:	Mr. Ashutosh Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 3 18-06-2020 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the complainant
through video conferencing.

The petitioner has filed this application for grant of
anticipatory bail apprehending his arrest in connection with
Complaint Case no. 829 of 2018 registered under sections 323,
341, 379, 406, 504 and 34 of the Indian Penal Code.

As per allegation in the complaint, it is stated by the
complainant that on the instigation of the petitioner who
happens to be his cousin ('mausera' brother), the complainant
invested in a non-banking financial company, the total
investment being Rs. 7.4 lacs. It is stated that it subsequently
transpired that the petitioner had invested the said amount in the
name of his wife. It is further stated that on the complainant
going to the petitioner to get his money, he was abused and



assaulted.

It is submitted by learned counsel for the petitioner that as per the prayer in the complaint for lodging of the FIR, on the orders of the Magistrate, an enquiry was got conducted and report as contained in Annexure 2 series has been submitted. From perusal of the said report it would transpire that the matter with respect to payment of the amounts deposited in the said non-banking financial company came up before the Kolkata High Court and process of payment has been started. It was further mentioned in the report that so far as the allegations of abuse and snatching of chain etc, made against the petitioner is concerned, the same had not been done. Further, referring to the order of the learned court below it has been stated that pursuant to the order of the Kolkata High Court payment by the Company has already started and the complainant's son has received the full maturity amount from the aforesaid company. Two other co-accused have been granted anticipatory bail and the petitioner has no criminal antecedent.

The application for bail is opposed by learned Additional PP for the State and learned counsel for the complainant.

It is submitted by learned counsel for the complainant that the petitioner clearly cheated the complainant by not only instigating him in depositing a large amount of Rs. 7.4 lacs in the non-banking financial company but also by the fact that the amount given by the complainant was deposited by the petitioner in the name of his wife. A clear cut case of cheating having been made out against the petitioner, it was submitted that it was not a case for grant of anticipatory bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the



nature of allegations, the report of the enquiry as contained in Annexure 2 series, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of eight weeks from today and in the event of his arrest or surrender in connection with Complaint Case no. 829 of 2018 he will be enlarged on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate II, Patna City subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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