IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28875 of 2020

Arising Out of PS. Case No.-294 Year-2014 Thana- SIWAN CITY District- Siwan

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Satyadeo Singh, aged about 72 years, gender-male, S/o Harihar Singh, residence of village :- Saipur, P.S.:- Nagar, District - Siwan.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Anish Akhtar
For the Opposite Party/s : Mr. Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-12-2020 Heard Mr. Anish Akhtar, learned counsel for the petitioner and Mr. Ashok Kumar Singh, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioner apprehends his arrest in connection with Nagar P.S. Case No. 294 of 2014 registered for the offence punishable under Sections 419 / 420 / 468 / 471 / 474 / 120 (B) / 34 of the IPC

The allegation as per the complaint -cum-FIR is that the petitioner persuaded the complainant-cum-informant to invest money in Tisca Holding Private Limited and on the pursuation of the petitioner the informant deposited a sum of Rs. 3,50,000/- in the joint bank account of accused no. 2 & 3. It has further been alleged that as per the promise the informant received interest of Rs. 4,000/- per month regularly and thereafter the Company stopped the payment of interest and when the informant contacted the accused persons, the accused nos. 2 and 3 gave a cheque of Rs. 4,36,000/- on 05.01.2014 in favour of the informant and the cheque in question subsequently bounced and was dishonoured.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and from perusal of the complaint- cum- First Information Report it would be evident that the petitioner has allegedly persuaded the informant to deposit money in the bank account of Tisca Holding Private Company Limited whereas, the petitioner himself is a victim of fraud at the hands of the Company in question for which the petitioner has also lodged a complaint bearing Complaint Case No. 1131 of 2014 (Annexure 2 to this bail application). Learned counsel further submits that admittedly the money was deposited in the joint bank account of accused nos. 2 & 3 and a sum of Rs. 4,36,000/- was returned by a cheque to the informant by accused nos. 2 & 3 only which shows that the informant was directly dealing with the accused nos. 2 & 3.

Having regard to the submissions made by the parties and taking into consideration the materials available on record and the nature of allegation against the petitioner, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above named, shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Siwan / court concerned in connection with Nagar P.S. Case No. 294 of 2014, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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