IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35671 of 2020

Arising Out of PS. Case No.-533 Year-2019 Thana- SAMASTIPUR MUFFASIL District- Samastipur

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Nitish Kumar Son of Late Arun Poddar @ Arun Kumar Poddar Resident of Village - Bhai Rokhara, P.S.- Tajpur, District - Samastipur

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate
For the Opposite Party/s : Ms. Sucheta Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

5 01-11-2021 Heard Shri Vinay Kumar Mishra, learned counsel for the petitioner and Smt. Sucheta Yadav, learned A.P.P. for the State.

The petitioner seeks anticipatory bail in connection with Samastipur (M) Muffasil P.S. Case No. 533 of 2019 instituted for the offences under Sections 406, 408, 420, 464, 468 and 467 of the Indian Penal Code.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that the informant had appointed the petitioner who is his nephew as staff to run business of franchise of Sahara India but the petitioner has misappropriated Rs. 17,88,175/- of different account holders by putting signature of account holders.

Learned counsel for the petitioner, at the outset, submits that the petitioner is a person with clean antecedent and is son of the own sister of the informant, further that on account of property dispute, the present F.I.R. has been instituted falsely implicating the petitioner. He further submits that the informant who is own brother of the mother of the petitioner had sold property after seeking consent of the mother of the petitioner but when it came to distributing the money, he siphoned it off.

Learned counsel for the petitioner further submits that from bare perusal of the F.I.R. it would manifest that the occurrence starts from 2010 but for the first time the complaint came to be filed in 2017 and thereafter in 2019 the F.I.R. came to be instituted. He further submits that though it is alleged that the petitioner had siphoned off all the money of the beneficiaries but none of the beneficiaries have come forward alleging anything against the petitioner rather it was the informant who had siphoned of the money of the beneficiaries. Further it is submitted that from perusal of annexure ‘6’ series and annexure ‘7’ to the anticipatory bail application, it would manifest that some beneficiaries have instituted case against the informant as to how he is trying to dupe them of their money.

Learned A.P.P. for the State from perusal of the case diary submits that during the course of investigation it has come in paragraph ‘21’ and ‘22’ that it was the petitioner who was indulging in such act of fraudulent transaction and when he got pressurized from the beneficiaries, he made his nephew a escapegoat. Further, the mother of the present petitioner at paragraph ‘34’ of the case diary has also supported the fact that her brother has falsely implicated her son on account of property dispute.

Considering the facts and circumstances of the case in it’s totality, and that the petitioner is a person with clean antecedent, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of ten weeks, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Samastipur in connection with Samastipur (M) Muffasil P.S. Case No. 533 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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