

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1586 of 2021

Arising Out of PS. Case No.-10 Year-2019 Thana- COMPLAINT CASE District- Supaul

Sujit Kumar Vajpayee @ Rajesh Kumar Vajpayee @ Sintu @ Sintu Vajpayee,
Son of Vaidyanath Bajpayee @ Baijnath Vajpayee, Resident of Village-
Parsarma, Police Station and Distt- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chandra Narayan Singh, Son of Late Shiv Narayan Singh, Resident of
Village- Baruari, P.S. and Distt- Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary, Advocate.
For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 01-09-2021 As prayed for, let the learned counsel appearing for
the petitioner remove the defect(s), as pointed out by the office,
within four weeks of starting of the Court proceeding in
physical mode in normal course.

Heard learned counsel for the petitioner and the
learned A.P.P. for the State through Video Conferencing.

The petitioner apprehends his arrest in connection
with Complaint Case No. 10C of 2019, registered under
Sections 406, 420 and 506/34 of the Indian Penal Code.

The accusation is that complainant-opposite party
no. 2, Chandra Narayan Singh, retired from the post of
Headmaster in the year 2006 from Middle School, Puri. In the



said school, Ashok Kumar was teacher on honorarium, who was doing the work in Star Asia Combined Estate Industries Limited, New Laxmi Nagar, New Delhi, asked him on 30.09.2011 to invest Rs.5,00,000/- in Plan-B of the company and in presence other teachers of the school, agreement was prepared to the effect that if the amount is not return after completion of two years, then Ashok Kumar will pay Rs.15,00,000/- in three installments to the complainant-opposite party no.2. When Ashok Kumar did not return the money according to agreement, complainant-opposite party no.2 pressurized to Ashok Kumar to return the money then Bimal Kumar Gupta and Sujit Kumar Vajpayee (petitioner) requested to the Puncta and accompanied him at the head office, Haldwani, Nainital in the month of August, 2016, where Ashok Kumar and Sujit Kumar Vajpayee (petitioner) talked to each other for depositing Rs.10,00,000/-. Thereafter, they managed to deposit Rs.10,00,000/- in Will to Win Portfolio Management, under which scheme, 20% of the amount would be return every month for the next ten months and rest amount will be returned later on. Thereafter, complainant-opposite party no. 2 came in believe and deposited Rs.5,00,000/- on two dates, i.e., 20.06.2016 and 30.09.2016 in the account of Ashok Kumar and



as a guarantee, Ashok Kumar issued four postdated cheques of Rs.5,00,000/-, out of which, two cheques were in the name of Smt. Kavita Devi, wife of the complainant-opposite party no.2 and other two were in the name of Mankeshwar Singh, son of the complainant-opposite party no. 2. As per agreement, Rs.1,27,000/- and Rs.1,00,000/- were transferred in the joint account of wife and son of complainant-opposite party no.2. Thereafter, Ashok Kumar stopped to make payment then complainant-opposite party no. 2 deposited the four cheques in the Bank but the all cheques were declared bounced by the concerned Bank then complainant-opposite party no. 2 issued the legal notice to Nandan Singh Mehta but he did not take any heed. Later on, complainant-opposite party no. 2 met to Ashok Kumar, Sujit Kumar Vajpayee (petitioner), Geetanjali Mehta, Bimal Kumar and Navin Prakash, who assured about returning the money but the money was not returned. Thereafter, he again made request to Ashok Kumar, Sujit Kumar Vajpayee (petitioner) and Bimal Kumar then they replied that money which was taken from him, will not be returned.

Learned counsel for the petitioner submits that it would appear from the complaint petition itself that money was paid by the complainant-opposite party no. 2 to co-accused,



Ashok Kumar and thereafter, dispute arose then petitioner was accompanied by the complainant-opposite party no. 2 at the head office, Haldwani, Nainital but with ulterior motive, petitioner has been implicated in the present case with false allegation. Further submission is that petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VI, Supaul, in connection with Complaint Case No. 10C of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Bhardwaj/-

(Rajendra Kumar Mishra, J)

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