

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12220 of 2021

Arising Out of PS. Case No.-52 Year-2020 Thana- BHANGWANPUR HAT District- Siwan

MUNNA SHANKAR SINGH, S/o Jhulan Singh Resident of Village-
Dilsadpur, P.S.- Bhagwanpur Hatt, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumod Kumar Shrivastaw

For the Opposite Party/s : Mr. Angad Kunwar

Mr. Surendra Kumar Mishra

Mr. Amit Kashyap

Mr. Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

4 18-01-2022 Heard Mr. Kumod Kumar Shrivastava, learned
Advocate for the petitioner and Mr. Yogendera Kumar,
learned APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Bhagwanpur Hat P. S. Case No. 52
of 2020, dated 05.03.2020, instituted for the offences under
Sections 406, 420, 406, 468, 467 and 34 of the Indian



Penal Code.

The accusation in the FIR is that the petitioner and his wife collected approximately Rs. 50 lakhs from the informant and other investors for the purposes of depositing it in some scheme of the Post Office as the petitioner at the relevant time was working as a Postal Peon. However, later, it transpired that the money so collected by the petitioner and his wife were deposited in the account of an Investment company and a bond also was given. Later, the bond could not be redeemed and despite the assurance of the petitioner and his wife that the money so invested by the informant and other investors shall be returned, the same has not yet been returned.

The learned Counsel for the petitioner has submitted that the FIR in the first instance is absolutely vague. The informant has not at all stated as to who all were the investors and what amount has he invested with the petitioner.

It has further been submitted that such vague FIR is not without a purpose. The informant himself had been a



senior agent of the company (Investment company) in question and at his instance, the wife of the petitioner was made a sub-agent to work under him. The wife of the petitioner started working as sub-agent under the informant from 2013.

The learned Counsel for the petitioner has pointed out that according to the FIR, money had been accepted from investors and the informant between the years 2012 to 2014. This obviously pre-supposes that before the wife of the petitioner could be inducted in the company as one of the sub-agents, the informant himself had been operating in the market and had been collecting money from various investors. In fact, the petitioner himself has invested about a lakh of Rupee in the aforesaid company at the instance of the informant.

The present litigation is only for the purposes of diverting the gaze of the investigating agency or of the complaining investors from him to somebody else, namely, the petitioner.

At this stage, Mr. Amit Kashyap, learned Advocate



has appeared on behalf of the informant and submitted that 50 lakhs which was given to the informant to be invested in post-office was invested in a private company.

Mr. Kahsyap did not furnish the details of such investors who along with him had invested Rs. 50 lakhs with the petitioner. There is nothing on record or in the argument of Mr. Kashyap to deny the averments made on behalf of the petitioner that his wife was inducted as the sub-agent of the informant in the year 2013.

Considering the afore-noted arguments on behalf of the parties, the petitioner, above-named, in the event of his arrest or surrender before the court below within a period of six weeks, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan, in connection with Bhagwanpur Hat P. S. Case No. 52 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

However, it is cautioned that the petitioner shall



participate in the investigative process and any attempt on his part to avoid the same would render his bail liable to be cancelled.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

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