

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15296 of 2021**

Arising Out of PS. Case No.-570 Year-2019 Thana- SARAIYA District- Muzaffarpur

SANTOSH KUMAR @ SANTOSH KUMAR GUPTA Son of Sri Ram Udar
Sah @ Ramawatar Sah Resident of Village - Muradpur Dullah, P.S. -
Ahiyapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

5 03-03-2022 Heard Mr. Shubhesh Pandey, learned Advocate for the
petitioner and the learned APP.

The petitioner seeks bail in anticipation of his arrest in
connection with Saraiya P.S. Case No. 570 of 2019 dated
01.09.2019 instituted for the offences under Sections 406 and
420 of the Indian Penal Code.

The petitioner is alleged to have projected himself as
one of the employees of “Green Touch Company”, a Non-
Banking Organization. Several investors had deposited their
money with the company but it appeared to them that the
company has wound up from the State of Bihar.

On one occasion, the petitioner and others are said to
have threatened the investors of dire consequences, if they



proceeded against the company in any manner whatsoever.

The learned counsel for the petitioner has submitted that he has been made scape-goat in the entire process. In the first instance, the accusation is absolutely vague as it does not appear as to who was the investor and how many investors have allegedly been duped. The petitioner has no idea about the whereabouts of the top management of the company. In fact, the petitioner has himself been duped as he was offered an appointment by the company management but he has not been paid for all this while.

He further submits that in the absence of any specific accusation against the petitioner of holding any particular post in the company or of having exhorted the investors to invest in the aforesaid company, no offence under Sections 406 and 409 IPC could at all be said to have been made out against him.

Considering the afore-noted submissions, the petitioner is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-



IV, West Muzaffarpur in connection with Saraiya P.S. Case No. 570 of 2019, subject to the conditions as laid down under Section 438(2) Cr.P.C.

However, the petitioner is cautioned that he shall not leave the territorial confines of the district in which the investigation is proceeding without taking the prior approval of the officer-in-charge of the concerned police station. He shall participate in the investigation fully and would make disclosures as required by the investigator. Should he be found faltering in the aforesaid responsibility, it would be open for the investigator to proceed against the petitioner for cancellation of his anticipatory bail.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

krishna/-

U		T	
---	--	---	--

