

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16014 of 2021**

Arising Out of PS. Case No.-255 Year-2019 Thana- KAJI MUHAMMADPUR District-  
Muzaffarpur

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RAJESH KUMAR SUMAN Son of Late Hari Narayan Bhakat Resident of  
Village - Sahbarsa Dih, P.S.- Maniyari, Dist.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjay Parasmani, Advocate  
For the Opposite Party/s : Mr. APP

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

4      05-04-2022                      Heard Mr. Sanjay Parasmani, learned Advocate for  
the petitioner and the learned APP.

The petitioner seeks bail in anticipation of his arrest in  
connection with Kazi Mohammadpur P.S. Case No. 255 of 2019  
dated 30.06.2019 instituted for the offences under Sections 406,  
420, 467, 468, 471 and 120B of the Indian Penal Code.

The accusation in the FIR is that the petitioner and  
others who are associated with Swarn India Multi State Credit  
Co-operative Society Limited have defrauded many of the  
investors and are still continuing with their *modus operandi* of  
accepting money from the investors for the purposes of  
depositing it in various schemes of the Government including  
LIC and the money so received by the investors is thereafter



being swindled.

Learned counsel for the petitioner has drawn the attention of this Court to the first part of the accusation in the FIR, where the informant has shown himself as one of the agents of the company as also the customer. This status of the informant simply disentitles him to lodge any case against anyone of the staff members of Swarn India Multi State Credit Co-operative Society Limited as he too would then fall in the category of the accused persons.

Learned counsel for the petitioner has further submitted that he has been a victim of circumstance, as he was employed in the Firm only after he himself had invested in one of the schemes. Later, he quit the job but even then, because of his earlier association with the company, he has been made accused in this case.

The petitioner never held any important position in the company and the persons similarly situated have been granted regular bail by different Benches of this Court.

Looking at the nature of accusation, I am not inclined to grant anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail is rejected.



However, if the petitioner surrenders before the court below and seeks bail, the court below shall take into account all the above noted grounds as also the fact that two of the similarly situated persons have been granted regular bail by this Court and shall pass orders in accordance with law without being prejudiced by the fact that the present petition on his behalf has not been entertained.

**(Ashutosh Kumar, J)**

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