

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91 of 2021

Arising Out of PS. Case No.-114 Year-2015 Thana- KHAJANCHI HAT District- Purnia

1. Rohit Kumar Poddar, Son of Suresh Kumar Poddar @ Suresh Poddar, Resident of Village- Khushkibagh Hat, P.S.- Sadar, District- Purnea.
2. Suresh Kumar Poddar @ Suresh Poddar, Son of Ganesh Poddar, Resident of Village- Khushkibagh Hat, P.S.- Sadar, District- Purnea.
3. Soni Devi, Wife of Rohit Kumar Poddar, Resident of Village- Khushkibagh Hat, P.S.- Sadar, District- Purnea.
4. Anju Kumari, D/o Shiv Shankar Ray, Resident of Dokraya Wishanpur, P.S.- Mansahi, District- Katihar.
5. Mithilesh Kumar Choudhary, Son of Bhagwat Choudhary, Resident of Village- Tethi, P.S.- Naugachhia, District- Bhagalpur.
6. Suraj Kumar, Son of Surendra Poddar @ Shiv Shankar Ray, Resident of Ashram Road Annandouri Bhatta Bazar, P.S.- Sahayaka, K.Hat, District- Purnea.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party	:	Mrs. Rina Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 21-01-2022 Due to the third wave of COVID-19 Pandemic, the matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioners and learned A.P.P. for the State through Virtual mode.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period



of four weeks after restoration of normalcy.

The petitioners are apprehending their arrest in connection with K. Hat (Sahayak) P.S. Case No. 114 of 2015 for the offence registered under Sections 307, 386, 406, 420, 467, 328 of the I.P.C. and Section 138 of the N.I. Act.

The prosecution case, in brief, is that the petitioners being the employees of the Company in question defalcated Rs. 1,30,000/- of the depositors of the said Company and fled away after closing the Company situated in Khushki bagh, Purnea.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. As per the prosecution case, Rs. 1,30,000/- was deposited by different depositors in the Non-Banking Finance Company to which the petitioners were associated with. Subsequently, the said Company refused to return money to the investors. Hence, the present case was instituted. It has been submitted that the petitioners are the employees of the Non-Banking Finance Company. There is no entrustment of money to the petitioners rather the entrustment of money is to the company. It is further submitted that the petitioners are ready to



deposit an amount of Rs. 1,50,000/- (Rupees One Lac Fifty Thousand) jointly in the learned court below which shall be subject to final disposal of the case.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in covid cases.

Considering the aforesaid facts and circumstances, the petitioners are directed to deposit an amount of Rs. 1,50,000/- (Rupees One Lac Fifty Thousand) jointly in the learned court below which shall be subject to final disposal of the case. On doing so, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bonds to the satisfaction of the learned C.J.M., Purnea, in connection with K. Hat (Sahayak) P.S. Case



No. 114 of 2015, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall
furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each
with two sureties of the like amount each within a period of
eight weeks to the satisfaction of the court concerned in
connection with the aforesaid case.

(Sudhir Singh, J)

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