

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35561 of 2022

Arising Out of PS. Case No.-633 Year-2017 Thana- KAHALGAON District- Bhagalpur

SONU KUMAR MISHRA @ GAURAV KUMAR MISHRA S/O
NIRANJAN MISHRA Resident of Village- Bhawangama Bihpur, P.S.-
Bhawanipur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 409 and 420 of the Indian Penal Code.

The informant alleges that on 1.09.2017, three accused persons including the petitioner had approached him as Salesman of the company and on their assurance, he had transferred Rs. 5 lacs from his Bandhan Bank, Kahalgaon account to HDFC Bank account, Ranchi, in the account of Nandlal & Company for purchasing mustard oil but, later, the informant realized that he was cheated as the company was not in existence.



Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely implicated in the present case, it is next submitted that from perusal of Annexure 2, it would manifest that petitioner was appointed as Sales Manager of the company and he, in discharge of his work, had contacted the petitioner and had assured that the oil would be supplied to him in the event if the amount is deposited in the account of the company in pursuance whereof the informant credited the said amount in the account of the company but the company cheated the informant as it was later found that the company was never in existence. Learned counsel next submits that the Directors of the company have also been arrested from Chandigarh and it has come to the fore that the Directors of the company were indulging in such kind of fraud all over India as would be evident from the newspaper report Annexure 3 to the anticipatory bail application. Learned counsel thus submits that petitioner himself has been made a victim of the circumstance as he was completely unaware that the company would cheat its client in the manner as alleged.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned



counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Kahalgaon P.S. Case No. 633 of 2017 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

HarshPandey/-

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