

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38319 of 2022

Arising Out of PS. Case No.-598 Year-2020 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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1. VIJAY KUMAR S/o Chandrika Prasad R/o village- Gonawan, P.S.- Nawada, District- Nawada
 2. GUDDI GUPTA W/o Vijay Kumar R/o village- Gonawan, P.S.- Nawada, District- Nawada

... .. Petitioner/s

Versus

1. The State of Bihar
2. ANNAPURNA KUMARI W/O UMESH PRASAD R/o Village/Mohalla- Ram Nagar (Durga Mandir Gali), P.O., P.S. and District - Nawada

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Birendra Kumar, Advocate
For the Opposite Party/s :	Ms. Madhuri Lata, A.P.P.
	Mr. Ravi Bhushan Prasad No. 1, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-12-2022 Heard learned counsel for the petitioners, learned counsel for the complainant and learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period of four weeks.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 420 and 406/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioners have antecedent of one case and petitioner no. 2 is a woman.

The complainant alleges that on advice of petitioners



she gave Rs.2 lakhs to the accused persons for investing in post office but the money was invested in a non-banking company, namely, Idol India Corporation Limited fraudulently in which the petitioners were working as agent thereafter she was provided with the papers and bond relating to the investment thereafter she realized that money was not invested in the post office. Further, petitioners assured that the complainant will get Rs.3,000/- per month as interest but accused only gave Rs.1,500/- but later they informed that the company had fled away.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is further submitted that petitioners are agents and were working for the husband of the complainant for a very long time. It is next submitted that the petitioners had given the amount to the husband of the complainant to be invested in the LIC in which the nominee was the first wife of the husband of the present complainant and the said policy has matured as would be evident from Annexure-3 but since the husband of the complainant is missing since 2020, as such, the amount could not be withdrawn from the LIC. It is also submitted that the complainant has also instituted an FIR relating to his husband



being traceless since 2020 and the said case is also being investigated. It is further submitted that husband of the complainant never objected the present investment or else he would have instituted a case. It is next submitted that even the complainant did not institute a case earlier rather was accepting the interest as was agreed. It is also submitted that since the company has fled away now the petitioners are not in a position to get the money back which was invested in the non-banking company.

Learned A.P.P. for the State and the learned counsel for the complainant opposed the prayer for anticipatory bail of the petitioners but are not able to meet to submission of the learned counsel for the petitioners that neither the husband nor the complainant objected when they came to know that the money has not been invested in the post office but in the non-banking company.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like



amount each to the satisfaction of the learned court below where
the case is pending/successor court in connection with
Complaint Case No. 598 of 2020, subject to the conditions as
laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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