

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53873 of 2021

Arising Out of PS. Case No.-851 Year-2020 Thana- PATNA COMPLAINT CASE District-
Patna

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1. ATEESH KUMAR SON OF LATE LALDHARI SINGH R/O VILLAGE-AMHARA, P.S.- BIHTA, DISTRICT- PATNA
 2. AJAY KUMAR SON OF LATE LALDHARI SINGH R/O VILLAGE-AMHARA, P.S.- BIHTA, DISTRICT- PATNA

... .. Petitioner/s

Versus

1. The State of Bihar
2. VINAYAK KUMAR SON OF SRI MANI BHUSHAN SINGH DIRECTOR, M/S MANGALMURTI AGRIBUSINESS PVT. LTD., RESIDING IN VILLAGE AND P.O. AND P.S.-BIHTA, DISTRICT- PATNA (COMPLAINANT)

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur
For the State	:	Mr. Yogendra Kumar
For the O.P. No.2	:	Mr. P. N. Shahi, Sr. advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 13-01-2022 Heard learned counsel for the petitioners, the State and Mr. P. N. Shahi, learned senior counsel for the O.P. No.2.

The matter has been taken up through video conferencing.

Petitioners seek regular bail in a case registered for the offence punishable under Section 420/34 of the Indian Penal Code.

As per the prosecution case, these petitioners connived with another accused, Santosh Kumar, and created forged resolution of the Board of Directors of the company for



the purpose of appointment of petitioner No.2 as Director of the company for diluting the share of complainant and to have control over the company for ulterior motives and thus these petitioners misappropriated the stock of the company.

Learned counsel appearing for the petitioners submits that petitioners are innocent and have falsely been implicated in the case. No case u/s 420 of the IPC is made out because no document is forged and the dispute of management of company can be decided under the Companies Act, 2013. Petitioners are in custody since 10.07.2021.

Learned counsel appearing for the State and the O.P. No.2 opposed the prayer for bail. Learned senior counsel for the O.P. No.2 submitted that petitioners have got criminal antecedent and they are habitual offenders. Petitioners have committed forgery and played fraud upon the complainant as well as upon the Registrar of Companies, Patna and inducted petitioner No.2 as full time director in the company on the basis of forged and fabricated document with the sole purpose of grabbing property of the company and, thus, petitioners do not deserve bail.

Considering the facts of the case and the period of custody of the petitioners, let the petitioners, above named, be



released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st class, Danapur, Patna in connection with Complaint case No.851(C)/2020.

(Prabhat Kumar Singh, J)

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