

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 50332 of 2022

Arising Out of PS. Case No.-492 Year-2022 Thana- BETTIAH CITY District- West
Champaran

ANIL KUMAR S/o Rajvanshi Patel Resident of Mohalla- Baswariya Ward
No. 30, Police Station- Bettiah Town, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vashisth Narayan Mishra, Advocate
For the informant	:	Mr. Umesh Kumar Gupta, Advocate
For the Opposite Party/s	:	Mr.Jitendra Kumar Singh,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-12-2022 Heard Mr. Vashisth Narayan Mishra, learned
counsel for the petitioner and Mr. Umesh Kumar Gupta, learned
counsel for the informant as also Mr. Jitendra Kumar Singh,
learned APP who represents the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Bettiah Town P.S. Case No. 492 of 2022 for the offences
under Sections 406, 420/34 of the Indian Penal Code.

As per the prosecution story, the informant has lodged
a written report alleging that since 2018 till the lodging of the
FIR, the money was being collected by the accused persons
including the petitioner herein on the assurance that the money



so deposited will become double after four years. Accordingly, he gave Rs. 1,50,000/- on 6.3.2018.

His further averment is that others also deposited the different amounts but forget about doubling of the amount, even the principal amount was not returned. Accordingly, the FIR was lodged and thus the petitioner came into judicial custody on 1.7.2022 (as stated in para-10 of the bail application).

Learned counsel for the petitioner, at the outset, submits that he is ready to pay Rs. 1,50,000/- to the informant as has been alleged in the FIR without accepting the said allegation.

The further submission is that he has already suffered by being in jail since 1.7.2022 (as stated in para-10 of the bail application) and do not have any criminal antecedent.

His last submission is that once out of jail, he will take every steps to pay the amount that the depositors have contributed in M.K. Sahayta Shamoooh.

On the said fair submission made by learned counsel for the petitioner as also the fact that the charge-sheet stands submitted and he is in custody since 1.7.2022, this Court is inclined to grant him privilege of bail subject to payment of Rs. 1,50,000/- through the Demand Draft issued by the local branch



of State Bank of India in favour of the informant herein. Once out of jail, he will also take every steps to pay the amount that the small investors had deposited in the aforesaid M.K. Sahayta Shamoooh .

Let the petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, District-West Champaran in connection with Bettiah Town P.S. Case No. 492 of 2022, subject to the following conditions :-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash/Ajay-

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