**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**CRIMINAL MISCELLANEOUS No.65980 of 2021**

Arising Out of PS. Case No.-195 Year-2021 Thana- DALSINGHSARAI District- Samastipur

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SITESH KUMAR @ SITESH KUMAR JHA S/o- Anjani Kumar Jha @ Anjani Jha Resident of Village - Kapan, Ward No. 2, P.S. Bibhutipur, District - Samastipur.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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**Appearance :**
For the Petitioner/s : Mr.Vijay Kumar
For the Opposite Party/s : Mrs. Rina Sinha
Mr. Saket Gupta

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**
ORAL ORDER

2 14-07-2022 Heard learned counsel for the petitioner, the State and the informant.

Petitioner apprehends his arrest in a case registered for the offence punishable under Section 406, 420/34 of the Indian Penal Code.

As per the prosecution case, this petitioner along with other accused persons, were acting as an agent of main accused, Pankaj Kumar Choudhary, who runs an online bank named as Coin Fortune and for collection of money he appointed his own family members, including this petitioner, as an agent. It is further alleged that petitioner along with other accused persons were collecting money from innocent persons in the name of investment in Bitcoin and later on all the accused persons after making conspiracy misappropriated huge money of investors and fled away.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case. Petitioner is Bhanja of co-accused, Pankaj Choudhary, and he himself has been cheated by his own relatives. Petitioner has not received any farthing. Only allegation against him is that he worked as an agent and there is no allegation that he misappropriated any amount. In the entire FIR there is no allegation against this petitioner. Petitioner was employed in a Multi National Company at Gujrat and co-accused, Pankaj Choudhary, advised him to open an account in Coin Fortune. Pankaj Choudhary used to receive money in the ICICI bank account of this petitioner from different investors and used to refund them through account and pass book of this petitioner but petitioner never suspected any foul play as Pankaj Choudhary is his close relative. Similarly situated accused Ahilya Devi has already been granted anticipatory bail by a co-ordinate Bench of this court vide order dated 23.02.2022 passed in Cr. Misc. No. 55219/2021.

Learned counsel appearing for the State and the informant vehemently opposed the prayer for anticipatory bail and submitted that petitioner happens to be one of the agents of the company and there is specific allegation against him that he in connivance with other accused persons misappropriated huge amount like crores and in the account of this petitioner Rs. 25,000000/- has been shown as transaction. So far case of Ahilya Devi, who has been granted anticipatory bail by this court, is concerned, her case is different from the case of this petitioner as she was neither an agent nor any transaction was made in her account.

Considering the nature of accusation and gravity of the offence, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

**(Prabhat Kumar Singh, J)**

BKS/-

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