IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51744 of 2022

Arising Out of PS. Case No.-63 Year-2021 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. RAMADHAR RAI SON OF LATE SANFI RAI RESIDENT OF VILLAGE BIJDHARI, P.S. KESARIYA, DISTRICT- EAST CHAMPARAN
2. JITENDRA PATEL SON OF LATE RAMCHANDRA PATEL RESIDENT OF VILLAGE- SONDRAPUR BADHAI TOLA, P.S.- KESARIYA, DISTRICT- EAST CHAMPARAN
3. MUNNA SAHANI SON OF RAJENDRA SAHANI RESIDENT OF VILLAGE- SONDRAPUR BHUSAIWALA TOLA, P.S. KESARIYA, DISTRICT- EAST CHAMPARAN

... ... Petitioner/s

Versus

1. The State of Bihar
2. BALINDRA SAHANI SON OF LATE VISHUNDEV SAHANI RESIDENT OF VILLAGE- SONDRAPUR, P.S.- KESARIYA, DISTRICT- EAST CHAMPARAN

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Ms. Nirmala Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-10-2022 Heard learned counsel for the petitioners and learned A.P.P. for the State.

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

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and they were employee of a company named Indus Weir Industries, it is next alleged that being employee of the said company, the petitioners used to approach clients for depositing money in the company with an assurance that good returns would come within a short period of time, it is next alleged that the complainant deposited Rs. 1,14,720/- within a span of one year, it is further alleged that the petitioners used to collect money from the complainant and thereafter used to give fake receipts, it is next alleged that the company vanished and the entire money deposited by the complainant was also siphoned off. It is further alleged that the accused persons assured the complainant that they would help him retrieve his money but subsequently they refused despite notice.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that petitioners were employee of the Bank and they were completely unaware that the company would indulge in such forgery, it is further submitted that even the petitioners had deposited money with the company, as has been specifically pleaded at Para-9 of anticipatory bail application. Learned counsel submits that the complainant in order to make out a false case, falsely alleged in the complaint that the petitioners used to collect money and then issued fake receipts but from perusal of her S.A. at Annexure-2 it would manifest that it was the complainant who used to deposit money in the company, in lieu thereof receipt were being issued, it is thus submitted that petitioners only came to be implicated because they were employee of the company when they had no intention to cheat the complainant.

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

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 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) each 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 Complaint Case No. 63 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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