

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62019 of 2021

Arising Out of PS. Case No.-218 Year-2021 Thana- MADHUBAN District- East Champaran

BIR KUMAR MAHTO @ BEER KUMAR Son of Braj Nandan Mahto @
Baghela Mahto Resident of Village - Palanwa, P.S.- Palanwa, District - East
Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Additional Director General of Police, Economic Offence Unit Bihar,
Patna. Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 64296 of 2021

Arising Out of PS. Case No.-218 Year-2021 Thana- MADHUBAN District- East Champaran

INDU DEVI W/o Virendra Thakur @ Birendra Thakur Resident of Village -
Madhuban Bediban, P.S.- Pipra, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 62019 of 2021)

For the Petitioner/s	:	Mr.Abhishek Kumar
For the State	:	Mr.Tarun Prasad Mandal, APP
For the EOU	:	Mr. V.N.P. Sinha, Sr. Advocate
		Mrs. Soni Srivastava

(In CRIMINAL MISCELLANEOUS No. 64296 of 2021)

For the Petitioner/s	:	Mr.Abhishek Kumar
For the Opposite Party/s	:	Mr.Umanath Mishra
For the EOU	:	Mr. V.N.P. Sinha, Sr. Advocate
		Mr. Vijay Anand Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 10-08-2022 Since both the applications arise out of Madhuban P.S.

Case No. 218 of 2021 as such, they have been heard together
and are being disposed of by this common order.



Heard learned counsel for the petitioners and learned APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Madhuban P.S. Case No. 218 of 2021 registered for the alleged offences under Sections 406, 420, 504, 506 and 34 of the Indian Penal Code.

As per prosecution case, the informant and other persons were duped of their money by the co-accused Nirbhay Kumar Yadav and his associates who asked them form group of ladies and further asked them to deposit Rs. 22,500/- each. Thus they took Rs. 4,50,00,000/- from these ladies.. They also got sanctioned and withdrew Rs.4,0,00,000/- from different finance company in the name of ladies. The name of the petitioners transpired during investigation that they were also involved in conspiracy along with co-accused Nirbhay Kumar Yadav and other co-accused.

Learned counsel for the petitioners submits that the petitioners have got no role in defalcation of money. The petitioners have not defalcated any money and their names came



up during investigation in the confessional statement of Nirbhay Kumar Yadav that the petitioner Bir Kumar Mahto has been working as field officer and the petitioner Indu Devi has been working as group leader and they were also helping them in collecting the money which was later on defalcated. It is submitted on behalf of the petitioners that no person has come up with complaint that he has been cheated of his money. Even in her case, case of the informant has not come up with a positive case. She has not positively stated that she was cheated a certain amount of money. Furthermore, there is no specific allegation against the petitioners which is only against the FIR named accused persons and the petitioners are not named in the FIR and nothing incriminating has been recovered from their possession. Charge sheet has been submitted against them and the petitioners are in custody since 22.07.2021.

Learned Senior counsel appearing on behalf of the Economic Offence of Unit has submitted that petitioners have been helping the co-accused in collecting the money from innocent people and the petitioner Bir Kumar Mahto and Indu Devi have been working as field officer and group leader, respectively and their names came up in the confessional statement of co-accused Nirbhay Kumar Yadav during



investigation and the call details report also shows that they were in continuous contact with co-accused. The petitioner and co-accused person assured the gullible ladies that they would be paid Rs. 2500/- per month for two years, if they deposited Rs. 22,500/- as one time deposit. However, the learned Senior counsel concedes that no incriminating document or material is on record to prove the complicity of the petitioners in the occurrence.

Having regard to the submission made hereinabove and considering the non specific allegations against the petitioners along with lack of substantive material against them and further considering the submission of charge sheet along with period of custody, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Motihari, East Champaran in connection with Madhuban P.S. Case No. 218 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.



(ii) The petitioners will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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