

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61698 of 2022

Arising Out of PS. Case No.-311 Year-2022 Thana- PURNEA SADAR District- Purnia

1. SAMAR DAS S/O LATE GOPAL DAS Resident of village- Hasda Road, Gulabbag, P.S.- Sadar, District- Purnia.
2. RIMPA DAS W/O VIKAS DAS Resident of village- Hasda Road, Gulabbag, P.S.- Sadar, District- Purnia.
3. DIPAK DAS @ DIPAK CHANDRA DAS S/O LATE HARIPADDO DAS Resident of village- Chitravani Road, Near H.P. Market, Bhatta Bazar, Purnia, P.S.- K.Hat, Sahayak, Purnea.
4. RANA DAS S/O DIPAK CHANDRA DAS Resident of village- Chitravani Road, Near H.P. Market, Bhatta Bazar, Purnia, P.S.- K.Hat, Sahayak, Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agarwal, Sr. Advocate Mr. Gaurav Prakash, Advocate Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s	:	Mr. Kumar Veerendra Narayan, APP
For the Informant	:	Mr. Radha Mohan Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-12-2022 Heard learned senior counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 406, 419, 420, 408, 409, 467, 468, 471 and 120(B) of the Indian Penal Code.

Learned senior counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant



alleges that Vikas Kumar Das was his Manager and in absence of the informant said Vikas Kumar Das in connivance with his family members (petitioners) defalcated an amount of Rs. 2,08,88,940/- from the business of the informant.

Learned senior counsel for the petitioners submits that the thrust of the allegation is against Vikas Kumar as he was the Manager of the informant and it has been alleged that in his (informant) absence during COVID times, Vikash defalcated the aforesaid amount, it is next submitted that as far as these petitioners are concerned, they are father, wife, father-in-law and brother-in-law of Vikas, it is also submitted that allegations are in realm of allegations when it is an admitted fact that petitioners were not employed in the service of the informant rather the allegations against them is of conspiracy. Learned senior counsel further submits that if Vikash was authorized for carrying out informant's business then on what basis it can be alleged that he in conspiracy with these petitioners defalcated the amount when admittedly the petitioners had no authority nor they were authorized in any manner to deal with the business of the informant, it is also submitted that it appears that the informant implicated these petitioners only with a view to coerce Vikash into submission so that he parts with the amount



defalcated but then High Court is not a recovery agent. It is further submitted that the dispute relates to money and by instituting an FIR at best, the accused can be punished in a trial, if the charges are proved, it is submitted that basic cardinal principle of criminal law is of presumption of innocence, it is also submitted that in the event, if the petitioners today are sent to jail and in a duly constituted trial they are acquitted, how their period of incarceration would be compensated and in the event, if the informant is able to prove the case in the trial, then the petitioners will serve the sentence.

Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the petitioners but are not able to meet the submissions of the learned senior counsel for the petitioners that it was Vikash who was the Manager of the informant and had all authorities to deal with his business and the petitioners in no manner were authorized to deal with the business of the informant.

Considering the submissions made by the learned senior counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below 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 court below where the case is pending/successor court in connection with Sadar P.S. Case No. 311 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Rishi/-

U		T	
---	--	---	--

