IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3738 of 2022

Arising Out of PS. Case No.-382 Year-2018 Thana- NAGAR District- Vaishali

1. KISHORE MAHTO @ KISHAN KISHORE MAHTO Son of Late Virchandra Mahto Resident of Village - Office Situated Back Side of H.D.F.C. Bank, Beside the Clinic of Dr. Vinita Verma, New Gopalpur, P.S.- Motihari Town, Distt.- East Champaran, Both Permanent R/o Mohalla - Chaudhary Mobarak Ali, P.s.- Hajipur Town, Distt.- Vaishali.
2. Sandhya Bhusan W/o Kishore Mahto @ Kishan Kishore Mahto Resident of Village - Office Situated Back Side of H.D.F.C. Bank, Beside the Clinic of Dr. Vinita Verma, New Gopalpur, P.S.- Motihari Town, Distt.- East Champaran, Both Permanent R/o Mohalla - Chaudhary Mobarak Ali, P.s.- Hajipur Town, Distt.- Vaishali.

... ... Petitioner/s

Versus

The State of Bihar and another

... ... Opposite Party/s

Appearance :
For the Petitioner/s : Mr.Manish Chandra Gandhi
For the Opposite Party/s : Mr.Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

11 06-02-2023 The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with Hajipur Town P.S. Case No. 382 of 2018 registered for offence punishable under sections 406, 420 of the Indian Penal Code and section 138 of the N.I. Act.

As per allegation, petitioner no. 1, Kishore Mahto @ Kishan Kishore Mahto assured the informant to provide job in Ggro India Finance (Green Bihar Mahila Shakh Evam Swavlambi Sahkari Samiti Limited) and he was sent for training in Motihari. He was assigned the work for collection of the installment from the investors. He used to collect the installments from time to time and deposit the same in the bank mentioned in the FIR in the name of Kishore Mahto, petitioner no. 1. He collected Rs. 16,00,000/- (sixteen lakhs rupees) and deposited it into the bank account of petitioner no. 1. That money was misappropriated by petitioner no. 1 and his wife petitioner no. 2 was also running a company mentioned in the FIR and the petitioners along with other co-accused persons cheated the innocent investors and misappropriated their money.

The learned counsel for the petitioners has submitted that so far as the bank account, in which the money was transferred, is concerned, the statement of the bank account of petitioner no. 1 shows that only Rs.4,00,000/- has been transferred in his account, whereas the informant is stating that Rs.16,00,000/- have been transferred in his account.

On the other hand, the learned counsel for the informant has submitted that at the time of occurrence, the informant was a boy of 20 years of age. He was assured by petitioner no. 1 to be employed in his company and he was assigned the work of collection agent, but he was not aware of the fact that petitioner no. 1 has stealthily made one of the Directors in his company. The informant has provided two blank cheques to the petitioner in lieu of security against providing job by petitioner no. 1 to him, which was misused by the petitioner and he has lodged a case against the informant with allegation that the said cheques were dishonoured by the bank. He has submitted further that as a matter of fact, at the time of depositing the money, though he has mentioned that it was deposited in the account of petitioner no. 1 and due to mistake it was left that some part of money was also deposited in the bank account of petitioner no. 2.

There is specific allegation against the petitioners that they, after opening cheat-fund company, had misappropriated the hard earned money of the investors. There is one criminal antecedent against the petitioner no. 1 of similar nature of case.

I do not think it to be a fit case for anticipatory bail. Accordingly, it is rejected.

The learned court below is directed to consider the regular bail petition of the petitioners, if they compromise the case.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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