

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8082 of 2023

Arising Out of PS. Case No.-58 Year-2022 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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KANHAI KUMAR Son of Ram Bali Prasad @ Ram Bali Das R/v- Paraiya,
P.S.- Paraiya, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. MD. SHAMSHER ALAM Son of Md. Hussain R/v- Jamuawan, Tola, Karchal, P.S.- Wazirganj Dist- Gaya, At present residing at Mohalla Jafarganj, (Gasrakshui) Ward No. 31, P.O. and P.S.- Jehanabad District- Jehanabad

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Ajit Ranjan Kumar, Adv.
For the Opposite Party/s :	Mrs.Gulnar Begum, APP.
	Mr. Ranjay Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-08-2023 Heard the parties.

2. Petitioner apprehends his arrest in connection with Complaint Case No. 58 of 2022, registered for the offence punishable u/s 406, 420 of the Indian Penal Code and Section 138 of the N.I. Act.

3. The prosecution case, in brief, is that co-accused Satendra Prasad, Md. Imran and Dinesh Kumar are Directors of two companies, namely, Mate Infra Limited and Mate Confidence Enterprises and other accused persons including this petitioner are founders of the said companies. It is alleged that in the year 2016, petitioner along with co-accused Md. Imran



approached the complainant at his house and asked him to invest money in said two companies and both of them assured him that in lieu of his invested money, he would get an interest of 18%. Thereafter, the complainant approached to his brother-in-law, namely, Md. Mahfuz Alam who also assured him about the merits and benefits of investing money in the said companies and told that his father Md. Suleman was also a founder of the said companies. Subsequently, in the years 2016, 2017, 2018 and 2019, the complainant, in total, invested Rs. 12,60,000/- in both the companies through bank transfer, but after a lapse of 2-3 months, when the complainant started asking his money back, the accused persons started making excuses. Finally, in the months of July-August 2021, when the complainant went to Jamshedpur where the main branch of said companies was situated, he discovered that both the companies were closed and some of the accused persons were absconded. Thereafter, when the complainant threatened accused persons to register case against them, co-accused Md. Imran and Satendra Prasad came at the house of the informant and handed over a cheque of Rs. 12,60,000/- of Axis Bank, Mango, Jamshedpur to the complainant but when the complainant produced the said cheque before bank, the same was returned by saying that the



concerned account was running in minus balance. Thereafter, the complainant sent a legal notice to all the accused persons whereupon accused Md. Suleman told the complainant that all the allegations are true and he is ready to record his evidence in favour of the complainant.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. It is also submitted that in this case, father-in-law and brother-in-law of the complainant also assured him about the merits and benefits derived from the deposited money in the alleged companies but they have not been made accused in this case which reveals that under conspiracy of relatives, this false and concocted case has been instituted against the petitioner and others. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Per contra, learned APP for the State as well as learned counsel for the complainant vehemently opposing the bail petition submit that petitioner is also involved in the present case as there is sufficient material in the case diary to show the



complicity of the petitioner in the present case.

6. Considering the facts and circumstances of case, as the complicity of the petitioner was found in the present case, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

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