

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21838 of 2021

Arising Out of PS. Case No.-506 Year-2020 Thana- KHAJANCHI HAT District- Purnia

SANJEEV KUMAR@SANJEEV KUMAR JAISWAL Son of Rajendra Prasad Jaiswal Old Address Resident of Village - Makan No.241, Krishna Nagar, Gali No.1, Near Bhumiya Khurd, Ludhiya (Punjab), New Address- Plot No.74, Gali No.3, J.P. Enclave, Infront of Shankar Colony, Bhumiya Road, Lidhiyyna (Punjab)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shailendra Kr. Singh, Advocate. Mr. Pawan Kumar Singh, Advocate.
For the Opposite Party/s	:	Mr. Chandra bhushan Prasad, APP.
For the Informant	:	Mr. Ranjit Kr. Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH
ORAL ORDER

21 16-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in connection with K. Hat (Khajanchi Hat) P. S. Case No. 506 of 2020 registered for the offences punishable under Sections 406 & 420 read with Section 34 of the Indian Penal Code.

As per the prosecution case, the Company in the name and style as B.N. Gold Estate & Allied Ltd. started working at Ford Company Chowk at Purnea and also started collecting



money from public. After some time B.N.G. Global India Ltd. Started working at the aforesaid address. After some time Kishan Urza Agro Producer Company Ltd. under the aforesaid address started cheating money from the farmers of Purnea and its surroundings. The company claims that deposited money would be two and half times of the principal money within six years and on the basis of this trick the said company cheated/robbed crores of rupees from innocent people and the recurring amount again showed 25% interest rate. It is the petitioner who is the mastermind of the said company. The petitioner and co-accused persons including the sister and the brother-in-law of the petitioner in connivance with one another executed the whole fraudulent activities. The B.N.G. Global India Ltd. got huge amount of money invested by the people showing the agreement for purchasing of 17 and 1/2 acres land fraudulently. The said land was registered in the name of the petitioner Sanjeev Kumar @ Sanjeev Kumar Jaiswal and his wife from the cheated amount. The petitioner had sold some pieces of the said land and the petitioner and his wife are again trying to flee away for selling the rest land.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. No such



occurrence as alleged has ever taken place. Learned counsel further submitted that from the F.I.R., it is evident that the present occurrence took place in the year, 2011 but the present F.I.R. lodged on 23.09.2020 after lapse of nine years without giving any plausible reasons. The petitioner has neither committed any cheating or forgery with any people nor grab the amount of local people. The petitioner has also submitted that no case is made out against the petitioner. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. Learned counsel for the petitioner placed reliance on the judgement in the case of *Sanjay Chandra Vs. Central Bureau of Investigation 2012 (1) SCC 40*, the Hon'ble Apex Court has held that "Bail is the rule and committal to jail an exception. Refusal of bail is a restriction on the personal liberty of the individual guaranteed under Article 21 of the Constitution. When there is a delay in trial, bail should be granted to the accused."

Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail petition of the petitioner and submitted that the petitioner along with the accused persons including the sister and the brother-in-law of the petitioner had established forged company and crores of rupees of the innocent people was cheated under conspiracy. The petitioner and his



wife purchased 17 acres of land in their names out of the cheated amount. The petitioner and the co-accused persons fled away over night after having winded up the said company and the petitioner is the owner of the said forged company.

Considering the aforesaid facts and circumstances of the case as well as the gravity of the offence, I am of the view that no case for grant of anticipatory bail is made out and the same is rejected with direction to the petitioner to surrender before the Court below concerned within six weeks form the date of this order and the prayer for regular bail, the learned Court below will consider his prayer for regular bail in accordance with law without being prejudiced by this court.

The application stands rejected.

(Chandra Prakash Singh, J)

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