

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14492 of 2023

Arising Out of PS. Case No.-185 Year-2022 Thana- PIRBAHOR District- Patna

BALMUKUND KHETAN Son of Late Om Prakash Khetan R/O- Ashok Rajpath, Behind Bank of Baroda, Mirchai Gali, Chowk, Nagla, Patna-800008, presently residing at- Flat No.- 305, Sai Samarth Residency, P.O.- Vesu, P.S.- Umra, District- Surat, Gujrat- 395007

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Anupam Prabhat Shrivastava, Adv.
For the Opposite Party/s :	Mr.Narendra Kumar Singh, APP
	Mr. Jayanta Ray Choudhary, Adv.
	Mr. Binay Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 03-10-2023 Heard learned counsels for the parties.

2. Learned counsel for the informant has filed supplementary counter affidavit in the present case.

3. Let it be kept on record.

4. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406, 420 and 34 of the Indian Penal Code, 1860.

5. The prosecution case, in brief, is that the petitioner had approached the informant and his father and told him to invest Rs. 10 Lacs to DUV Health Care Solutions and thereafter, petitioner has sent the address and account number of the DUV Health Care Solutions through WhatsApp message on



24.08.2021 and told the informant to send the money to the said account. The informant send the alleged amount through RTGS. After some time, when the informant has not received any goods, he tried to contact the petitioner but found his mobile phone switched off. It is further alleged that in course of inquiry regarding the whereabouts of the accused, he came to know that the accused has cheated so many businessmen.

6. Learned counsel for the petitioner has filed supplementary affidavit in the present case stating therein that in compliance of Order dated 19.05.2023 passed by a co-ordinate Bench of this Court, the petitioner has appeared before the I.O. of the present case. It is further submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He also filed supplementary affidavit in the present case 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. The alleged amount is said to have been transferred in the account of co-accused Aniket Kumar, who is the owner of the aforesaid DUV Health Care Solutions. Petitioner has nothing to do with the business transaction happened in between the informant and



one Aniket Singh. He further submits that the WhatsApp messages of which copies are enclosed in the counter affidavit does not belong to the petitioner. He has been made scapegoat in the present case in order to save the real culprit. Petitioner has two criminal antecedents as mentioned in para-3 of this application.

7. Learned APP for the State as well as learned counsel for the informant opposes the prayer for bail by submitting that petitioner is a habitual offender as it is evident from his criminal antecedents. It is further submitted that though the alleged amount did not transfer in his account, but the petitioner is the conspirator of the whole occurrence hence, he does not deserve anticipatory bail.

8. Considering nature of the offence and the criminal antecedents of the petitioner, 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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