

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15595 of 2023

Arising Out of PS. Case No.-200 Year-2022 Thana- AURANGABAD TOWN District-
Aurangabad

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1. Vinod Prasad S/O Late Mathura Saw R/O Village And P.O.- Baluganj (Baluganj Barandi), P.S.- Dhibra, District- Aurangabad (Bihar), Pincode - 824202
 2. Raju Kumar S/O Vinod Prasad R/O Village And P.O.- Baluganj (Baluganj Barandi), P.S.- Dhibra, District- Aurangabad (Bihar), Pincode - 824202
- Petitioners

Versus

1. The State of Bihar
 2. Amrendra Kumar S/O Late Madan Kumar Tiwari R/V- Arki, P.O.- Arki, P.S.- Dev, District- Aurangabad (bihar)
- Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Jitendra Narayan, Sr. Adv.
	:	Mr. Alok Ranjan, Adv.
For the Opposite Party/s	:	Mr. Nitya Nand Tiwary, APP
For the Oppotie party	:	Mr. Ramakant Sharma, Sr. Adv.
	:	Mr. Santosh Kumar Pandey, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 12-07-2023 Heard learned senior counsel for the petitioners and learned APP for the State assisted by learned senior counsel for the opposite party no.2.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 406, 420, 467, 468, 473 and 120(B)/34 of the Indian Penal Code pending in the learned court below.

Allegation against the petitioners is that under a deep rooted conspiracy they embezzled money of the informant and started getting investment from the people including the



informant.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He further submits that from persual of F.I.R. it appears that in the entire F.I.R. there is only allegation against these petitioners that they are Directors of the company. He submits that petitioner no.1 issued two cheques on the ground of compromise in which one cheque was cleared by the Bank and second cheque was stopped by the petitioner no.1. Relying upon Annexures 2 & 3 of the bail application, he further submits that petitioners have no shareholding in the said company. He further submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application.

Learned APP for the State as well as learned senior counsel for the opposite party no.2 opposes the prayer for bail and submits that after giving two cheques, one cheque was stopped by the petitioners and petitioners are also members of the board of the company. Learned senior counsel for the opposite party no.2 further submits that there is no transaction has been made by the opposite party no.2, hence, they do not deserve anticipatory bail.

Considering the aforesaid facts and circumstances as



well as the fact that the dispute between the parties is civil in nature, let the petitioners, named above, in the event of their arrest/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.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Aurangabad (Town) P.S. Case No.200/2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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