

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14772 of 2023

Arising Out of PS. Case No.-299 Year-2013 Thana- GARDANIBAG District- Patna

ADARSH RAJ @ RAMJEE S/o Sri Shiv Ray R/o village- Bishunpur Pakri,
P.S.- Beur, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-05-2023 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail
in connection with Gardanibagh PS case no. 299 of 2013,
registered for the offences punishable under Sections 406, 420,
467, 468, 471, 120B of the Indian Penal Code.

The allegation is regarding the FIR named
accused persons as also the petitioner herein having opened a
fake finance company, whereafter they are stated to have
published an advertisement in the daily newspaper regarding
availability of loan schemes for purchasing property, cars etc.
for which the applicants can contact the finance company in
question i.e. Atlas Financial Service Limited, Gardanibagh. It is
further alleged that the informant along with his co-villager



namely Md. Kalim Khan had then met the Director of the aforesaid company namely Bipin Kumar Singh and other staff members who had told the informant that in case he wants a loan of Rs. 5 lacs, he has to submit certain documents like original papers of land, 5 photographs and I.D. card etc. and deposit advice/ consultation fees to the tune of Rs. 5618/-. Thereafter, the informant and his co-villager had deposited a sum of Rs. 5618/- each along with the requisite documents. It has also been alleged that some more money was taken on one pretext or the other, however loan was not granted and in this manner, several persons have been cheated, whereupon the office of the said finance company has also been closed and its employees have fled away.

The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has further submitted that already, a sum of Rs. 20,000/- has been paid to the informant and further a sum of Rs. 20,000/- has also been paid to his co-villager, hence, no loss has been caused to them. It is also submitted that the fact is that the petitioner is not named in the FIR and he has got nothing to do with the financial company in question. It is also



contended that during the course of investigation, it has wrongly transpired that the petitioner is the Managing Director of the aforesaid company whereas the fact is that he had worked in the said company for some time.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that it is the specific averment of the petitioner that a sum of Rs. 20,000/- each has been refunded to the informant and his co-villager apart from the fact that the petitioner is not named in the FIR as an accused as also he is having a clean antecedent, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of



A.C.J.M.-XIV, Patna in connection with Gardanibagh PS case
no. 299 of 2013, subject to the conditions as laid down under
Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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