

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17631 of 2023**

Arising Out of PS. Case No.-3493 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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LAL BABU CHAUDHARY Son of Late Binda Chaudhary Resident of
Village - Grosbar, P.O.- Rajauli, P.S.- Hajipur Sadar, District - Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raj Kumar Prasad Son of Shankar Ray Resident of Village - Allipur, P.S.-
Beur, District - Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Dipak Kumar
For the Opposite Party/s	:	Mr. Vinod Shanker Modi
	:	Mr. Kameshwar Singhm
	:	Mr. Rajniti Prasad

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 20-07-2023 1. Heard learned counsel for the petitioner and learned
APP for the State assisted by learned counsel for the
complainant.

2. The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 406, 420,
467, 468, 471/34 and 120B of the Indian Penal Code pending in
the learned court below.

3. As per the prosecution case, the complainant
deposited money in a company on the promise by the company
and its authorized officials that they will return the money with
interest within six years with double the amount deposited.
Many persons have also deposited the money in this company.



Company got closed in the year, 2016 and when the complainant and investors asked the accused persons and officials to return their money which got matured by that time, they started avoiding the complainant and other investors and the officials of company ran away taking the money of the depositors. Petitioner is one of the employee of the said company.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that the petitioner was senior agent of Garima Real Estate Company. He submits that the said company was established in the year, 2010 and it was closed in the year, 2016. He further submits that administrator of the said company has lodged case in the court of learned District Judge Cum Special Judge, Gwalior (M.P.) and in the said case District Judge has order to make repayment of the money of the depositors from the attached money of the company and several depositors have made their claim for return of their money deposited in the said company. He submits that similarly situated other co-accused persons have already been granted anticipatory bail by Coordinate Bench of this Court vide order dated 06.09.2019 passed in Cr. Misc. No. 34233/2019 and vide



order dated 15.10.2019 passed in Cr. Misc. No.45946/2019. He further submits that petitioner has got no criminal antecedent as stated in para-3 of the bail application.

5. Learned APP for the State along with learned counsel for the complainant opposes for prayer for bail.

6. Considering the aforesaid facts and circumstances, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) 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 Complaint Case No.3493(C)/2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., and also subject to the following further conditions;

(i) One of the bailors shall be a close relative of the petitioner.

(ii) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(iii) The petitioner shall not cooperate with the investigation, if not already concluded, and make himself



available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Anjani Kumar Sharan, J)

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