

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19652 of 2023

Arising Out of PS. Case No.-494 Year-2022 Thana- BHAGWAN BAZAR District- Saran

1. Nasim Akhtar Son of Late Yakub Miyan Resident of Mohalla- Daulatganj, Chiktoli Ps- Bhagwan Bazar , Dist- Saran at Chhapra.
2. Saleha Khatun Wife of Nasim Akhtar Resident of Mohalla- Daulatganj, Chiktoli Ps- Bhagwan Bazar , Dist- Saran at Chhapra.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Amit Shrivastava, Senior Advocate Mr. Chandra Mohan Jha, Advocate
For the State	:	Dr. Mrityunjaya Kr. Gautam, APP
For the Informant	:	Mr. N.K. Agrawal, Senior Advocate Mr. Sunil Prasad Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 27-06-2023 Heard Mr. Amit Shrivastava, learned Senior Counsel assisted by Mr. Chandra Mohan Jha for the petitioners, Dr. Mrityunjaya Kumar Gautam, learned APP for the State as well as Mr. N.K. Agrawal, learned Senior Counsel assisted by Mr. Sunil Prasad Singh for the informant.

Petitioners apprehend their arrest in connection with Bhagwan Bazar P.S. Case No.494 of 2022, registered for the offences punishable under Sections 409, 420 and 120(B) of the Indian Penal Code.

The prosecution case, in brief, is that on 11.06.2020, petitioner, Nasim Akhtar came at the house of the informant with co-accused, Rajendra Prasad Sharma and stated that is doing the



business in the name of J.V. Traders and petitioners are partners in the said business. The informant became ready to invest money in J.V. Traders and deposited money from his account and from the account of his cousin brother and grandmother of Rs.82,50,000/-. Out of the above said money, co-accused, Rajendra Prasad had deposited some amount in their account and for the remaining amount separate cheques were given to the informant and the said cheques were dishonoured. Thereafter, the informant tried to contact co-accused, Rajendra Prasad Sharma and petitioner, Nasim Akhtar, but they had switched off their mobiles. Thus, they cheated the huge amount of Rs.62,08,118/-.

Learned Senior Counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in the present case. Petitioners have got no criminal antecedent as stated in paragraph-3 of the bail petition. It is further submitted that as per the FIR, petitioner no.1 is also the investor of this company and he and his wife are also a victim because both have also invested a huge amount but the said company could not return their capital amount or their profit. It is submitted that main accused is Rajendra Prasad Sharma who is proprietor of J.V. Traders. It is further submitted that petitioner no.2 is wife of petitioner no.1 and she has no role to play in the alleged occurrence and she did not know the informant. It is submitted that



no independent witness has supported the version of the informant.
Learned Senior Counsel for the petitioners submits that petitioners have also been put to loss of Rs.20,00,000/- approximately.

Learned APP for the State as well as learned Senior Counsel for the informant vehemently opposed the prayer for grant of anticipatory bail to the petitioners by submitting that petitioners have cheated the informant.

Taking into consideration the facts aforesaid, let petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM, 1st, Saran at Chhapra in connection with Bhagwan Bazar P.S. Case No.494 of 2022, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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