IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26200 of 2023

Arising Out of PS. Case No.-1218 Year-2022 Thana- KHAGARIA District- Khagaria

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SHIVANI KUMARI D/o Shambhu Kumar @ Shambhu Kumar Sinha R/o Jay Prakash Nagar, P.S- Khagaria, Distt.- Khagaria.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashutosh Kumar Singh, Advocate.
For the Opposite Party/s : Mr.Rajendra Nath Jha, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 07-07-2023 Heard Mr. Ashutosh Kumar Singh, learned counsel appearing on behalf of the petitioner and Mr. Rajendra Nath Jha, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Chitragupta Nagar P.S. Case No. 1218 of 2022 registered for the offence punishable under Sections 418, 420, 409, 468, 471 and 120B/34 of the Indian Penal Code.

3. As per the allegation made in the F.I.R., after receiving a secret information, Sub-Inspector of Police of Chitraguptanagar Police Station raided the Bank namely Mudrisha Finance Solution Private Limited allegedly being a forged bank and allegation against the the petitioner who is the Joint Director of the Bank is that she has received illegal money on account of providing job.

4. Learned counsel appearing on behalf of the petitioner submitted that from perusal of the F.I.R. it would

appear that no complainant have made any allegation against the petitioner who is the Joint Director of the Bank that they were deceived by the Joint Director or Director of the Bank on the pretext of providing job. In course of said raid, certain documents were recovered including job application, appointment letters and 98 sets of non-judicial stamps. The documents which have been recovered and seized are required for running affairs of the Bank and its business. It is further submitted that the Bank is audited by duly certified Chartered Accountant and the returns are submitted before the Registrar of Companies including the Minutes of meeting of the Board of Directors. The petitioner being the Joint Director and female has not committed any fraud or has not deceived any innocent person on the pretext of providing job by realizing money.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Considering the nature of allegation made in the F.I.R. as well as the fact that the petitioner has brought on record the certificate of Incorporation duly issued by the Ministry of Corporate Affairs, Government of India (Annexure-2 to the bail application) and as informed on behalf of the petitioner that the profit and loss account of the Bank is duly audited by the

certified Chartered Accountant and returns are being filed both under the provision of Income Tax Act as well as Companies Act, it would be proper for the petitioner to produce the audit report of the Bank duly certified by the Chartered Accountant for the current financial year before the court below as well as the return filed before the Registrar of Companies. In case the above documents are produced before the court below, the petitioner is directed to be released on pre-arrest bail, in the event of her arrest or surrender before the Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Khagaria in connection with Khagaria Chitragupta Nagar P.S. Case No. 1218 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The authorities concerned are directed not to take any coercive steps for six weeks.

8. The bail application stands disposed of.

(Purnendu Singh, J)

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