

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27900 of 2023

Arising Out of PS. Case No.-1867 Year-2021 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Amrendra Bharti, Son Of Arjun Sah, Resident Of Village- Bhadas North P.S.-
Khagaria Muffasil Distt- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arvind Kumar Pankaj Son Of Late Jageshwar Chaurasia Raviranjana R/O
Market Arya Samaj Road, Purani Post Office Road- Samstipur, P.S.- Town
Samstipur, Distt- Samastipur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ansul, Advocate
For the Opposite Party No.1:		Mr.Jharkhandi Upadhyay, APP
For the Opposite Party No.2:		Mr. Ritwik Thakur, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-07-2023 Let the certified copy of the F.I.R. and the order

taking cognizance filed by learned counsel for the petitioner be

taken on the record.

Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner, in the present case, is seeking pre-
arrest bail in connection with Begusarai Complaint Case
No.1867 of 2021 registered for the offences punishable under
Section 420 of the Indian Penal Code. The petitioner has got
two criminal antecedents.

As per the allegations made in the complaint petition



lodged by an Assistant Branch Manager of Sarvodaya Proficient Nidhi Ltd., this petitioner is one of the Directors on the Board of the said non-banking finance company. It is alleged that during the period 2016 and 2019, the company collected money under the daily and monthly schemes from the customers. In this way, a sum of Rs.1,72,03,225/- were collected which were deposited in the bank account but when the customers were demanding money, the accused persons delayed the payment on one ground or the another. It is alleged that the present petitioner along with other named accused conspired to misappropriate the money deposited by the customers and they fled away.

Learned counsel for the petitioner submits that after investigation police had submitted a final form but on protest petition the learned Magistrate has taken cognizance for the offence under Section 420 of the Indian Penal Code vide order dated 14.03.2022. The petitioner and other accused have been summoned to face trial.

One of the submissions of learned counsel for the petitioner is that no customer has lodged any complaint against the petitioner and the complainant of the case was an employee of the company and has lodged the present case. It is further submitted that initially a FIR was lodged against others and



during investigation the present complainant was made accused, therefore, to get rid of the said case the complainant has lodged the present case.

On the other hand, learned counsel for the complainant/informant submits that no doubt the complainant was working as an Assistant Branch Manager in the branch office opened by the petitioner, initially when the customers demanded the money the petitioner kept the complainant and other employees under impression that he will refund the money to the customers but later on it transpired that the petitioner had fled away and had misappropriated the money collected from the customers, hence, the present case was lodged.

Having heard learned counsel for the petitioner and learned counsel for the informant as also the State, on noticing that this petitioner is admittedly having control over the non-banking finance company, he was majority share holder and director on the board, the allegation is that the money was collected from the customers and then those money have been swindled and siphoned away by the petitioner, this Court is not inclined to grant privilege of anticipatory bail to the petitioner. The prayer for anticipatory bail is, thus, refused.

In case the petitioner surrenders and prays for regular



bail in the learned court below within a period of four weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this Court.

This application is dismissed.

(Rajeev Ranjan Prasad, J)

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