

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28517 of 2023

Arising Out of PS. Case No.-185 Year-2022 Thana- NAYAGAON District- Saran

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ASHOK RAY @ ASHOK KUMAR RAY son of Late Nirmal Rai Village-
Mahuwari Ps- Awatarnagar Dist- Saran at chapra Presently- Narayan Nagar
Newaji Tola Ps- Chapra Muffasil Dist- Saran at chapra

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan, Adv.

For the Opposite Party/s : Mr. Arun Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 14-07-2023 Heard Mr. Jeetendra Narayan, learned counsel

appearing on behalf of the petitioner and Mr. Arun Kumar

Pandey, learned A.P.P. for the State.

2. The petitioner apprehend his arrest in connection
with Nayagaon P.S. Case No. 185 of 2022, dated 08.11.2022,
registered under Sections 420, 406 & 504 of the Indian Penal
Code.

3. The prosecution case, in brief, is that one Hardeo
Mahto (Informant) furnished a written report to the SHO of
Nayagaon P.S. on 08.11.2022 at 09.00 A.M. alleging therein that
Six years ago at his house Alchemist Agent namely Ashok Ray
(Petitioner) came and told that he is working as an Agent of Post



Office. He also told that keep the money in his bank which will be doubled in six years. Upon the assurance of the Petitioner, the Informant handed over Rs. 1,00,000/- to him thereafter the Petitioner told he will be provide certificate after 2 to 3 days which have provided to the Informant. He has further been stated that on 22.07.2022 when the maturity of the said amount completed, the informant meet to the petitioner. When the Petitioner told that your money have deposited in Alchemist where you take deal maturity amount but on till day the same has not been provided. Again the Informant approached to the Petitioner for his money he misbehaved with him.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is duly appointed Agent of Alchemist Township India Limited. The certificate of maturity issued to the informant at a time of acceptance of Rs.1,00,000/- and in the said certificate maturity value has been mentioned as Rs. 2,00,000/-. The petitioner is nowhere concerned with the policy of the Company being an Agent and any amount which is required to be returned back to the informant in terms of the certificate issued, the Director of the Company is responsible for the same, the informant has lodged a false case against the petitioner. The petitioner is having clean antecedent.



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

6. Having considered the rival submissions made on behalf of the parties, the petitioner has made out a case that he was Agent of the Company and he has no role to play in issuing certificate which is responsible to acceptance of maturity value. The Company namely Alchemist Township India Limited is now under liquidation and for the said reason the amount as mentioned in the certificate has not been returned by the Company to the informant, for which act petitioner cannot be held liable, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four 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 Priyansvi Singh, learned J.M. Ist Class, Saran at Chapra in connection with Nayagaon P.S. Case No. 185 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The Court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph no. 3 of the bail application, this order will



automatically loose its force.

(Purnendu Singh, J)

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