IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30340 of 2023

Arising Out of PS. Case No.-83 Year-2020 Thana- BARAUNI District- Begusarai

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Ravindra Chaurasia Son Of Jagdish Chaurasia R/O Village- Tetarabad, Chandpura, Gangapur, P.O.- Tetarabad, P.S.- Gangaur, District- Khagaria

... ... Petitioner/s

Versus

The State Of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Shrishti Singh
For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 03-10-2023 Heard learned counsel for the petitioner, informant and learned A.P.P appearing on behalf of the State.

The petitioner is languishing in custody in a case registered for the offences punishable under Sections 420, 409, 323, 504, 307 of the Indian Penal Code.

The prosecution case as per F.I.R is that the informant is Director of *Sarvodaya Proficient Nidhi Limited* and the petitioner being Chief Branch Manager-cum-Director of the company had joined the company on 12.02.2016 and took the charge of Samastipur Branch.

It is alleged against the petitioner that he had misused his position and fraudulently transferred the software of the company and also transferred the repayment amount worth Rs. 1.5 crores to the account of a fake company as incorporated by the petitioner himself namely *Sarvodaya Pushpa Proficient Nidhi Limited*. However, the petitioner, thereafter assured the informant to return the amount but did not do so. It is further alleged that on 26.05.2019, the petitioner along with 3-4 other persons reached at the house of the informant and with an intention to kill, he started strangulating the informant but on raising alarm, the neighbouring people came and thereafter the informant could save his life. Hence, the present F.I.R.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The alleged occurrence is of the year 2017. The company had become non-functional since September, 2018 but the F.I.R was registered in

February, 2020 without explaining the delay. The petitioner was merely a Director of the company of the informant holding 10 percent shares. He never took the charge of Chief Branch Manager and no documentary proof claiming the petitioner holding the position of Chief Branch Manager was brought on record by the informant during the course of investigation. The petitioner has been made a scapegoat only to conceal the possible unaccounted amounts of the company. The accounts statements of the company do not indicate that any surplus or unaccounted withdrawal was made by the petitioner. The allegation against the petitioner to make an attempt of the murder of the informant is false and afterthought just to lend the case a criminal colour as no any injury was brought on record by the informant during investigation nor any witness came forward to authenticate the version of the informant when it was the specific averment of the informant that due to intervention of the neighbouring people, the informant could save his life and kept himself free from the clutches of the petitioner who was trying to strangulate him. So far as the allegation with regard to the transfer of software data is concerned, no corroborative evidence was brought on record to suggest that petitioner had fraudulently transferred the software of the company worth Rs. 1.5 crores to the account of a fake company as incorporated by the petitioner himself namely *Sarvodaya Pushpa Proficient Nidhi Limited*. The petitioner is suffering from high blood sugar due to which his right toe has been amputated through surgery in the year 2019 and presently he is in need of proper treatment. The petitioner is languishing in custody since 31.01.2023.

In contra, learned counsel appearing on behalf of the informant and learned A.P.P appearing on behalf of the State have vehemently opposed the prayer for bail of the petitioner and submitted that petitioner had misused his position and fraudulently transferred the software of the company and the repayment amount of the company worth Rs. 1.5 crores to the account of a newly formed company namely *Suryoday Pusp Proviciency Nidhi Limited*, which was registered in the name of the petitioner and his wife. The petitioner is habitual offender and five other cases under Section 420 I.P.C have been registered against him.

Considering the facts aforesaid and the period under custody, let the petitioner, above named, be released on bail **after framing of the charge** and on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Barauni (Chakiya) P.S. Case No. 83 of 2020.

(Sunil Kumar Panwar, J)

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