

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39108 of 2021

Arising Out of PS. Case No.-506 Year-2020 Thana- KHAJANCHI HAT District- Purnia

1. NIBHA DEVI @ NIBHA JAISWAL Wife of Gajadhar Pd. Jaiswal @ Gajadhar Jaiswal Resident of Village- Dhobi Gidha (Birauli Bazar), P.S.- Rupauli, District- Purnea.
2. Gajadhar Pd. Jaiswal @ Gajadhar Jaiswal Son of - Late Chhanguri Bhagat Resident of Village- Dhobi Gidha (Birauli Bazar), P.S.- Rupauli, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Md. Waliur Rahman, Advocate. Mr. Pawan Kumar, Advocate.
For the State	:	Mr.
For the Informant	:	Mr. Ranjit Kr. Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 02-03-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in connection with K. Hat (Khajanchi Hat) P. S. Case No. 506 of 2020 registered for the offences punishable under Sections 406 & 420 read with Section 34 of the Indian Penal Code.

As per the prosecution case, the Company in the name



and style as B.N. Gold Estate & Allied Ltd. started working at Ford Company Chowk at Purnea and also started collecting money from public. After some time B.N.G. Global India Ltd. Started working at the aforesaid address. After some time Kishan Urza Agro Producer Company Ltd. under the aforesaid address started cheating money from the farmers of Purnea and its surroundings. The company claims that deposited money would be two and half times of the principal money within six years and on the basis of this trick the said company cheated/robbed crores of rupees from innocent people and the recurring amount again showed 25% interest rate. It is the petitioner who is the mastermind of the said company. The petitioners and co-accused persons executed the whole fraudulent activities. The B.N.G. Global India Ltd. got huge amount of money invested by the people showing the agreement for purchasing of 17 and 1/2 acres land fraudulently. The said land was registered in the name of Sanjeev Kumar @ Sanjeev Kumar Jaiswal and his wife from the cheated amount. The petitioners had sold some pieces of the said land and the petitioners are again trying to flee away for selling the rest land.

Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. No such occurrence as alleged has ever taken place. Learned counsel has further submitted that from the F.I.R., it is evident that the present



occurrence took place in the year, 2011 but the present F.I.R., lodged on 23.09.2020 after lapse of nine years without giving any plausible reasons. The petitioners have neither committed any cheating or forgery with any people nor grab the amount of local people. Learned counsel has also submitted that no case is made out against the petitioners. The petitioners are made accused in this case only because they are the sister-in-law and the brother-in-law of the co-accused Sanjeev Kumar Jaiswal. The allegation against the petitioners is of encouraging the public to invest amount in the said company. Learned counsel has further submitted that the petitioners are not the master mind of the said forgery. He has further submitted that the petitioner no. 1 is a lady. The petitioners have no criminal antecedent as stated in para 3 of the bail petition.

Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail petition of the petitioners by submitting that the co-accused along with the petitioners had established the forged company and crores of rupees of the innocent people was cheated under conspiracy. The co-accused persons purchased 17 acres of land in their names out of the cheated amount. The petitioners and the co-accused persons fled away over night after having winded up the said company.

Considering the aforesaid facts and circumstances of the case as well as the materials available on record against the



petitioners, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Court concerned, Purnea in connection with K. Hat (Khajanchi Hat) P. S. Case No. 506 of 2020, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure with further condition :-

(1) The petitioners are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of their bail bonds.

The application stands allowed.

(Chandra Prakash Singh, J)

shakir/-

U		T	
---	--	---	--

