

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37583 of 2023

Arising Out of PS. Case No.-505 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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SANJEEV KUMAR, S/O KAUSHAL KISHORE SINGH, R/O Mohalla-
Chondi Behind Barh, P.S- Barh, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanjay Prasad, S/O Late Nand Kishore Prasad, R/O Pipal tal pakka Kuan
ward no.20 Barj Bazar. P.S- Barh, Distt.- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr.Manoj Kumar Pandey, Advocate
For the State : Mr.Pawan Kumar Chaurasia, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 28-07-2023 1. Heard learned counsel for the petitioner and
learned APP for the State of Bihar.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No.505(C) of 2021 registered
for offence under Sections 323, 341, 406, 420, 504, 506 and 34
of Indian Penal Code.

3. The petitioner being a Branch manager of an
investment and finance company namely Sahara India has been
made accused. It is alleged that the petitioner had sold different
schemes of Sahara India to the tune of Rs.6,89,950 (Six lakhs
eighty nine thousand nine hundred and fifty rupees) to the
informant and the maturity amount has not been paid.



4. It is submitted by learned counsel for the petitioner that the petitioner is innocent. He has been made an accused merely because he is an employee of the company. It is not the informant's case that the money was not deposited by the petitioner in the company. The fact that no return has come on the investment is nothing more than result of a market risk. Under similar circumstances, the petitioner was earlier implicated in another complaint case by an investor bearing Complaint Case No.433(C) of 2021. Co-accused persons namely Bikky Kumar and Satyendra Kumar have been allowed anticipatory bail by coordinate benches of this court in *Cr. Misc. Nos. 71725 of 2022* and *70474 of 2022*, respectively.

5. Learned APP for the State has opposed the prayer for bail.

6. Considering the rival submissions, nature of allegations and claim based on parity, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

7. Petitioner's prayer for anticipatory bail is allowed.

8. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Barh, District- Patna, in connection with Complaint Case No.505(C) of 2021, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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