

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61054 of 2022

Arising Out of PS. Case No.-474 Year-2015 Thana- BEGUSARAI TOWN District- Begusarai

1. GOPAL MOHAN SHEKHAWAT S/o Mohan Singh Shekhawat C.M.D. New Look Retails Pvt. Ltd., P.S.- Adajan Surat, Gujarat, R/o -B- 29, Madhav Villa Near Green Vali, Udajan, Surat City, Surat, Navjub College, Gujarat-395009.
2. Md. Saleem Khan S/o Jiyauddin Tasur Khan Director New Look Retails Pvt. Ltd. P.S.- Adajan Surat, Gujarat, Presently Residing at B-605, Green Tower, Gillwart Hill, Near Lane Bhawans College, Andheri West, Mumbai, Maharashtra- 400058.
3. Hiren Kumar Kishore Kumar Deewani @ Hiren Kishore Prasad Deewani S/o Kishore Kumar Devani H.R.D. New Look Retails Pvt. Ltd, P.S.- Keshod Surat, Gujarat, presently residing at Urmi Airport Road, Adinath Society Kesodh, Juna Garh, Gujarat- 362220
4. Prateek Desai @ Desai Pratik Ranjeet Rai S/o Ranjit Rai Development Director New Look Retails Pvt. Ltd., P.S.- Maroli Surat, Gujarat, Gujarat-395009.
5. Kamlesh Sah @ Sha Kamlesh Harakh Chand S/o Shah Harak Chand P.R.O. New Look Retails Pvt. Ltd., P.S.- Adajan Surat, Gujarat, R/o- A-204 Sidhnath Complex in front of Sagar Complex, Anand Marg Road, P.S.- Adajan Surat, Navyug College, Gujarat- 395009

... .. Petitioner/s

Versus

1. The State of Bihar
2. Prakash Ranjan Sinha S/o Sri Umesh Chandra Verma R/o Vill- Baghi, P.O. Suhridaya Nagar, P.S.- Town Thana Begusarai, Ward No.25, Dist. Begusarai.- 851218

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar No. 1, Adv.
For the Opposite Party/s: Mr.Nityanand, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-01-2023 Heard the parties.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 467, 468, 469, 409, 420, 506/120(B) of the Indian Penal Code.

The allegation against the petitioners is that they cheated the



huge amount of money from the informant on the pretext of opening of Mall at Begusarai.

It is submitted by learned counsel for the petitioners that petitioners are director and other employees of the company. They are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence as alleged ever took place. It is further submitted that complainant had deposited Rs. 5 lakhs only as advance for construction of mall in Begusarai by check and exorted more than Rs. 40 lakhs in lieu of 5 lakhs. All allegations to make expenditure of Rs. 20 lakhs in making furniture are false, fabricated and concocted because there is no documentary evidence to show that the complainant has spent Rs. 20 lakhs in construction of furniture in the alleged mall. The mall is never in existence in Begusarai but the innocent investors/petitioners are being tortured by the complainant by lodging false case upon them. It is further submitted that the petitioners have returned back the amount of Rs. 30 lakhs in pressure of complainant but complainant is not satisfied yet. The present case is nothing but it is a case of business transaction between the parties. In buttress of his submission, learned counsel for the petitioners relied upon the judgment of the Apex Court in the case of **Lavesh Kumar Vs. State (NCT of Delhi)** reported in 2012 (8) SCC 730, **Pramod Suryabhan Pawar Vs. State of Maharastra and Ors.** reported in AIR (2019) SC 4010 and **Shri Gurubaksh Singh Sibba and Ors.Vs. State of Pun-**



jab reported in AIR (1980) SC 1632. Petitioners have 13 antecedents as mentioned in para-3 of this application.

Learned APP for the State assisted by learned counsel for the complainant/O.P. No.2 vehemently opposing the prayer for bail submitted that the petitioners have cheated the huge amount of money from the informant on the pretext of opening of Mall at Begusarai. Witnesses in para nos. 15, 16 and 17 of the case diary have supported the prosecution case in toto. It is further submitted that from perusal of para no.245 of the case diary, it is manifestly clear that the petitioners are also accused in 10 other cases registered at different districts in State of Andhra Pradesh. It is also submitted that the processes under sections 82 & 83 Cr.P.C. have already been issued.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the petitioners on anticipatory bail. The prayer for anticipatory bail on behalf of petitioners is hereby rejected.

Accordingly, this application stands dismissed.

(Anjani Kumar Sharan, J)

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