

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60628 of 2022

Arising Out of PS. Case No.-401 Year-2015 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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1. SNEHA @ SNEHA KUMARI @ SNEHA SRIVASTAVA LATE CHANDRA SHEKHAR SRIVASTAVA Resident of Sherpur Road, Mithanpura Lala, P.S.- Bela, District- Muzaffarpur
 2. BASANTI DEVI W/O LATE CHANDRA SHEKHAR SRIVASTAVA Resident of Sherpur Road, Mithanpura Lala, P.S.- Bela, District- Muzaffarpur
 3. MAHESH PRASAD S/O YAMUNA PRASAD Resident of Sherpur Road, Mithanpura Lala, P.S.- Bela, District- Muzaffarpur
 4. VIBHA SRIVASTAVA D/O LATE CHANDRA SHEKHAR SRIVASTAVA Resident of Sherpur Road, Mithanpura Lala, P.S.- Bela, District- Muzaffarpur
 5. VINEET KUMAR S/O ARVIND SINGH Resident of Sherpur Road, Mithanpura Lala, P.S.- Bela, District- Muzaffarpur
 6. ARCHANA KUMARI D/O ARVIND SINGH Resident of Sherpur Road, Mithanpura Lala, P.S.- Bela, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate.
For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 07-02-2023 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 and learned
Additional Public Prosecutor for the State.

At the outset, learned counsel for the petitioners



submits that the petitioner no. 2 has died. The present application has become infructuous with regard to the petitioner no. 2 and the same is dismissed as infructuous.

The rest of the petitioners are apprehending their arrest in connection with Kazi Mohammadpur P. S. Case No. 401 of 2015 registered for the offences punishable under Sections 419, 420, 467, 468, 471, 406, 323, 504 and 120B of the Indian Penal Code.

As per the prosecution case, the petitioners along with the co-accused persons induced the informant to invest in the Mahalaya Company. Thereafter, the informant invested Rs. 43,85,790/- in the aforesaid company in the name of his wife, son and daughter and the maturity amount was Rs. 61,79, 250/-. But before making the payment of the matured amount to the investor, the company was closed on fake pretext. Even after extension of date, the payment was not made. The informant was informed through SMS of Mahalaya Company that the amount of Rs. 7280 Crore was seized by the R.B.I. and the payment would be made after clearance of the payment of Rs. 1253 Crore. On demand of the said money, the accused persons repeatedly misbehaved with the informant and refused to pay the same.



Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. Admittedly, co-accused Alok Srivastava set up the aforesaid company and induced the informant and others to invest in the aforesaid Company. However, after maturity, he was not able to refund the matured amount to different investors. In the meanwhile he was sent to jail. However, after making a payment Rs. 35 Lakh, he was granted bail vide order dated 21.02.2018 passed in Cr. Misc. No. 12632 of 2017. It is further submitted that the petitioners have been dragged in this case on mere relationship with the co-accused Alok Kumar. It is also submitted that the similarly situated persons have already been granted bail by co-ordinate Benches of this Hon'ble Court vide order dated 20.09.2018 passed in Cr. Misc. No. 57162 of 2018 and order dated 21.01.2019 passed in Cr. Misc. No. 66454 of 2018. There is general and omnibus allegation against the petitioners. The petitioners are found involved in five other criminal cases 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.

Considering the aforesaid facts and circumstances, 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, Muzaffarpur (East) in connection with Kazi Mohammadpur P. S. Case No. 401 of 2015, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

The application stands allowed.

(Chandra Prakash Singh, J)

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