

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58259 of 2022

Arising Out of PS. Case No.-92 Year-2022 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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1. Satyadev Yadav, Son Of Late Sheo Prasad Yadav R/V- Teliya Tola, Ward No. 26, P.S- Bagaha, Dist- West Champaran
 2. Rajan Kumar Yadav @ Rajan Kumar, Son Of Satyadev Yadav R/V- Teliya Tola, Ward No. 26, P.S- Bagaha, Dist- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanjiv Kumar Gupta, Son of Govind Prasad R/V- Gandhi Nagar, Ward No. 18, P.S- Bagaha, Dist- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Arvind Kumar
For the Opposite Party/s	:	Mr.Md. Fahimuddin
		Mr. Umesh Kumar Gupta

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 03-07-2023 Heard learned counsel for the petitioners, learned counsel for the complainant and learned APP for the State.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 406 and 506 of the Indian Penal Code.

The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the complainant alleges that accused persons including the petitioners established a private bank in which the complainant and the witnesses were employed on commission basis and they deposited nearly an amount of Rs.20 Lakhs of various



customers, but the payment of the account-holders was not made despite assurance given by the petitioners.

The learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is next submitted that the petitioners do not dispute that they are carrying business of private banking and crores of rupees were deposited in the bank by the beneficiaries and the amount which matured was already given to them. It is next submitted that from perusal of the complaint, it would manifest that none of the beneficiaries have approached either the authorities or the Court seeking return of their amount. It is next submitted that the complainant, being employed in the bank on commission basis, taking advantage of COVID situation was pressurizing the petitioners to part with some amount in his favour which the petitioners denied. It is next submitted that petitioners do not dispute that all the legitimate claim of the beneficiaries shall be paid.

The learned counsel for the complainant and the learned A.P.P. opposes the bail application, but are not in a position to rebut the submission of the learned counsel for the petitioners that none of the beneficiaries had approached the authorities or the Court seeking return of their deposited



amount.

The learned counsel for the petitioners, at this stage, submits that petitioners will not abscond rather will cooperate in the investigation and will present themselves as and when required by the Investigating Officer for eliciting the truth and in the event, if it is found that any legitimate dues of the beneficiaries still remain to be paid, the same shall be paid.

Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Bagaha, West Champaran in connection with Complaint Case No.92 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

However, it is made clear that the learned trial Court shall be at liberty to cancel the bail bonds of the petitioners in the event, if the Investigating Officer of the case files an application bringing to its notice that petitioners despite giving



assurance to this Court are not cooperating in the investigation.

(Satyavrat Verma, J)

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