

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63386 of 2022

Arising Out of PS. Case No.-2119 Year-2016 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Kartik Charan Son Of Bhola Nath Charan R/V- Chota Banka Daha, J.L. No. 148, P.S- Bishanpur (Bishnupur) Dist- Bankuda (W.B.)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajesh Kumar Karan Son of Lae Rudreshwari Prasad R/V- Teghra, P.S- Haveli Kharagpur, Dist- Munger at present Mohalla Kharara Road Fatehpur, P.S- Zeromile, Dist- Bhagalpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-02-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks regular bail in connection with Complaint Case No. 2119 of 2016 registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

As per the prosecution, the complainant was influenced by co-accused Dipankar Dey, Chief Executive Director of the alleged company to invest in the schemes of the said company,



on account of which the complainant invested Rs. 2,87,10,000 /- by himself and through his relatives but the Directors of the alleged company fled away after closing the office on 31.01.2014. It is further alleged that the petitioner was one of the Directors of the alleged company.

The main submissions advanced by learned counsel Ms. Vaishnavi Singh, appearing for the petitioner are that the instant case is based on a complaint and an other case bearing RC-11/E/17 was lodged against the Managing Director and other Directors of the alleged company with the same nature of allegation and petitioner has been made one of the accused and after the completion of investigation the police chargesheeted three directors namely, Dipankar Dey, Gopal Hazara and Pinki Kumar Das and held them responsible for the alleged wrong but the petitioner was not sent up for trial and in the alleged company petitioner was a sleeping Director holding 0.55 percent of share in the company and he had resigned from the company on 24.09.2013 and in the complaint there is no specific allegation against the petitioner who has been languishing in jail since 16.08.2022 and he has no criminal antecedent except the RC-11/E/17 which was lodged in respect of the same allegation of the present matter.



Learned APP Mr. Tarun Prasad Mandal, appearing for the State has opposed the prayer for bail.

In view of the facts, as stated above and mainly considering the facts that the instant matter is based on a complaint and the main allegation is against the co-accused Dipankar Dey and in the complaint any specific role of the petitioner in committing the alleged misappropriation has not been revealed and petitioner is facing trial in the present time, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged 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 concerned Court in connection with Complaint Case No. 2119 of 2016.

(Shailendra Singh, J.)

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