

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74038 of 2022

Arising Out of PS. Case No.-593 Year-2021 Thana- MAHUA District- Vaishali

RAHUL VERMA @ RAHUL KUMAR VERMA S/o Pramod Kumar Verma
R/v- Akabarpur, P.O.- Mathurapur, P.S.- Warishnagar, District- Samastipur.
The Agent of S.S. Aditya Krishna Private Limited Company, Plot No.
113/2478/5585, Lane 3 Khandagiri Vihar Bhuneshwar (Odisha)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vasant Vikas, Advocate

For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 17-04-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is in judicial custody in connection
with Mahua P.S. Case No. 593 of 2021 instituted under Sections
420, 467, 468, 471, 472 and 34 of the I.P.C. lodged on
19.09.2021 by the informant Vinod Kumar Choudhary.

As per the FIR, the informant Binod Kumar
Chaudhary, proprietor of M/S Laxmi Traders, Gola Road P.S.-
Mahua alleged that in the first week of the March 2021, Ajay
Upadhyay with his associate Rahul Verma came to his
establishment and told themselves to be the Director and the
agent of S.S Aditya Krishna Pvt. Limited Company, at
Bhubneshwar (Odisha) and trading in several products in the
name of Tosila Gold for Sunflower, Soyabean, Cotton seed,



Mustared seed oils and they proposed to become the authorized seller for entire State of Bihar. Being convinced the informant became ready to trade with that company. Both the accused stated that the informant would have to hand over a cheque of Rs. 20 lac in the name of their company as a security amount to construct the godown.

As per the direction of both the accused, the informant issued four cheques issued by Branch, Mahua each of Rs. 5 lac total amount 20 lac in the name of that company. Thereafter, both the persons made agreement with informant on 08-03-2021 with instruction to provide godown for products to be ordered later on with assurance that products will be delivered within one week.

Accordingly, the informant constructed godown at Mangrahi, Madhol Chowk, Mahua and then he placed order of 700 cartoon of the different products like Mustered Oil, Soya Oil, Refine Oil etc. Thereafter, Rahul Verma told the informant on phone that the four cheques worth Rs. 20 lac is kept as security and told to deposit Rs. 5 lac in the account of company then the product shall be delivered at the godown. Accordingly, the informant on 10-03-2021 deposited Rs. 3 lac 1 thousand and 2 lac one hundred in the account of that company but nothing



was delivered to the informant by that company, then the informant requested on mobile phone to deliver the product but in vain even notice dated 17-08-2021 was issued but no answer has given. As such the informant claimed that the accused named above cheated him in the name of forged company by fraud.

At the outset, learned counsel for the petitioner took this Court to Annexure-2 to the bail application to show that subsequently the informant has entered into agreement with the accused Ajay Kumar Upadhayay by which the entire amount as also the cheques that was handed over to the accused will be returned. So far as this petitioner is concerned he was only an agent/working in the office of Ajay Kumar Upadhayay and had no role to play in the allegation made by the informant.

Learned APP opposes the prayer but conceded that subsequently the main accused Ajay Kumar Upadhayay has entered into an agreement with the informant as reflected in Annexure-2.

Considering the aforesaid fact of agreement as also promise of return of the amount/cheques by Ajay Kumar Upadhayay to the informant and the document is also signed by the said informant, he is in custody since 22.08.2022 (as stated



in para-14 of the petition), do not have criminal antecedent, this Court is inclined to grant him bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Mahua P.S. Case No. 593 of 2021 to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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