

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1121 of 2023

Arising Out of PS. Case No.-155 Year-2020 Thana- DAWATH District- Rohtas

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AJAY KUMAR DUBEY S/O BISWAMITRA DUBEY Resident of village-
Bhesua, P.O.- Khajuri, P.S.- Harpur Budahat, District- Gorakhpur, Uttar
Pradesh

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghwendra Pratap Singh, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 13-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406, 409 and 420 of the Indian Penal Code and Section 3 of Bihar Protection of Interest of Depositors Act.

The informant alleges that Shivshankar collected lakhs of money from informant and 29 depositors like him for investing in Peers Allied Corporation Limited but later when informant came to know that the company did not had the permission of RBI to take deposits, it is next alleged that when the amount matured the informant along with others had gone to seek their maturity when Shivshankar threatened them of



implicating in false case.

Learned counsel for the petitioner submits that the petitioner has antecedent of three cases and has been falsely implicated in the present case, it is next submitted that petitioner is not named in the FIR and his name transpired during the course of investigation being Additional Director of the alleged Peers Allied Corporation Limited. It is further submitted that petitioner was not the Additional Director of the Company rather was a clerk and in support of the same he relied on his pay slip. The learned counsel next submits no doubt allegations are serious but then the allegations hinges around Shivshankar that it was he who had collected the amount from the depositor. It is further submitted that the FIR even does not disclose that as to whether the amount was deposited with the Corporation or not. It is further submitted that petitioner will not abscond rather will cooperate in the investigation and will present himself as and when required by the investigating officer of the case for eliciting the truth.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the



event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Dawath P.S. Case No. 155 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, in the event, if the investigating officer of the case files an application before the learned trial Court bringing to its notice that the petitioner despite giving assurance to this Court is not cooperating in the investigation or is not presenting himself when called for, the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner forthwith after recording reasons.

Let a copy of this order be sent to the concerned P.S. through the learned Trial Court.

(Satyavrat Verma, J)

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