IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19510 of 2024

Arising Out of PS. Case No.-207 Year-2022 Thana- GOGRI District- Khagaria

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1. Sunita Devi Wife Of Rabindra Chourasia R/O Village- Tetarabad, Chandpura, P.S- Gangour, Distt.- Khagaria, Bihar.
2. Mithun Kumar @ Mithun Kumar Chaurasiya S/O Bharat Kumar R/O Village- Chandra Nagar Ranko, P.S- Muffasil, Distt.- Khagaria, Bihar.

... ... Petitioners

Versus

1. The State Of Bihar
2. Abhishek Anand S/O Arvind Kumar Mandal R/O Village- Muskipur Kothi, P.O- Jamalpur Gogari, P.S- Gogari, Distt.- Khagaria, Bihar.

... ... Opposite Parties

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Appearance :
For the Petitioners : Shrishti Singh, Advocate
For the Opposite Party/s : Mr.Choubey Jawahar, Addl Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 02-04-2024 Heard learned counsel for the parties.

2. Petitioners apprehend arrest in a case registered for the offence punishable under sections 420, 406, 467, 468 and 471 of the Indian Penal Code.

3. As per the prosecution case, accused persons, namely, Ravindra Chourasia and Sunita Devi (petitioner no.1) formed non-banking institution in the year 2015 in the name of Bandhan Proficiency Nidhi Lad Jamalpur, Gogari. Thereafter, they changed the name of said institute as Jivan Bandhan Proficiency Nidhi Limited. These accused persons worked as the directors of the said institution. Mahun Kumar works as a field manager. Ravindra Chourasia said informant that Rs. 2,00,000/-(two lakhs) will have to be deposited as security and on the deposited amount you will be given a salary of Rs. 10,700/- per month by the institution. Informant, being an unemployed person, somehow arranged Rs. 2,00,000/- (two

lakhs) by convincing his father to sell his land. His father sold the land to Ravindra Chourasiya on 17-02-2018. Accused Ravindra Chourasiya took Rs. 2,00,000/- as security money. Informant trusted on the accused persons and started doing data entry work in the software of the organization. Informant got Rs.10,700.0 per month but accused persons did not pay Rs. 1,49,800/- payment of salary from April, 2021 to May, 2022. In the meantime, accused persons closed the institute and fled away.

4. It is submitted on behalf of the petitioners that petitioner no. 1 is the director of the company, whereas petitioner no.2 was manager of the company. Work of petitioner no.2 was only to deposit and withdraw the transaction money and was not associated with the company in any capacity. It is also submitted that there is general and omnibus allegation against these petitioners and no specific role has been attributed against them. In fact, the complainant was not working with the company and he had merely given his resume on 26.09.2020, seeking employment. Present case has been registered to avoid the legal notice dated 09.03.2022 issued to the informant for refund of amount of Rs. 2,10,64,993/-. In fact, the informant is an accused in FIR bearing Gogari P.S. Case No. 263 of 2022 dated 08.10.2022 registered under sections 323, 406, 409, 420, 1208 of IPC arising out of complaint case bearing no. 388C/2022 dated 26.05.2022, in which the allegation of defalcation has been made against the informant and others. The date of this complaint case is 26.05.2022 while that of the complaint in the present case is belatedly, and as an afterthought on 05.07.2022.

5. Considering the aforesaid facts of the case, prayer

for bail of all the petitioners is allowed. In the event of arrest/surrender within six weeks from today, let these petitioners, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Khagaria in Gogari Police Station Case No. 207 of 2022, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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