

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30792 of 2024

Arising Out of PS. Case No.-14 Year-2024 Thana- KOTWALI District- Patna

Pankaj Sinha son of Sri Jainath Prasad Resident of Laxmi Agency, Bhaduan
Gaya Road, Nawada Gondapur Nawada, Bihar 805110

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar Griyaghey, Advocate
	:	Mr.Mrityunjay Griyaghey, Advocate
	:	Mr.Harshit Griyaghey, Advocate
	:	Mr.Ankit Griyaghey, Advocate
For the Opposite Party/s	:	Mr.Satyendra Narayan Singh, APP
For the Informant	:	Mr.Madhumay Madhup, Advocate
	:	Mr.Anand Kr. Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 21-09-2024 1. Heard learned Counsel for the petitioner and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Kotwali PS case no. 14 of 2024, disclosing offences punishable under Section 406, 420, 120(B) of the Indian Penal Code.
3. The prosecution story, as per the First Information Report, is that in the year 2020, petitioner along with co-accused Abhishek Kumar introduced the informant with Harisant Ramesh Singh and was told by the petitioner and co-accused Abhishek Kumar and Harisant Ramesh Singh to invest money in different business and promised to give a good return out of



that investment. The informant, in good faith, planned to invest money and in the process, a sum of Rs. 38,66,000/-, by way of bank transfer, was given in favour of Abhishek Kumar and Rs. 25,55,000/- in favour of Harisant Ramesh Singh, having a total amount of Rs. 64.21 lacs. Cheque of Rs. 70,000/- was given to the informant by co-accused Abhishek Kumar as security and after 4-5 months, when the informant demanded his principal amount back, he was given a fake receipt of Rs. 95 lacs. The informant presented the cheque for encashment but the same was dishonoured.

4. Learned Counsel for the petitioner submits that from perusal of the First Information Report, it would be evident that not a single penny was given to the petitioner and the money through bank transfer was given to the co-accused Abhishek Kumar and Harisant Ramesh Singh. Learned counsel further submits that the allegation against the petitioner that he induced the informant to pay the money, is completely concocted, inasmuch as the informant took a calculative decision to invest the amount at the behest of co-accused Harisant Ramesh Singh and Abhishek Singh, accordingly, paid the money in question, in their bank account. The security cheque was also given to the informant by co-accused Abhishek



Kumar, the bank receipt of Rs. 95 lacs was also handed over to the informant by co-accused Abhishek Kumar. He next submits that the petitioner is also one of the victims at the hands of co-accused Abhishek Kumar and Harisant Ramesh Singh and has falsely been brought in this case by the informant. Petitioner is ready to become approver.

5. On the other hand, learned counsel for the informant opposed the prayer for anticipatory bail and submits that at the inducement of the petitioner and another co-accused Abhishek Kumar, the informant decided to invest money in order to get the return.

6. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that there is no *prima facie* evidence that the money was given to the petitioner by the informant at any point of time, I am inclined to grant the privilege of anticipatory bail to the petitioner.

6. This application is, accordingly, allowed.

7. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of learned Additional Chief Judicial Magistrate,
Patna in connection with Kotwali PS case no. 14 of 2024,
subject to the condition laid down under Section 438 (2) of the
Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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