

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45619 of 2024

Arising Out of PS. Case No.-13 Year-2024 Thana- ALINAGAR District- Darbhanga

Bahauddin Ansari Son of Late Khalil Ansari R/O Village- Dhamsain, Momin
Tola, P.S. Alinagar, Dist.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisu Zzoha, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 07-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Alinagar P.S. Case No. 13 of 2024 dated 02.03.2024 instituted
for the offence punishable under Sections 406, 420 and 504 of
the Indian Penal Code.

3. The prosecution case in short is the petitioner being
an agent of Smridh Jivan State Multi Purpose Co-Operative
Society Limited (for short 'the Co-operative Society')
motivated the informant for depositing the money in the Co-
operative Society for the purpose of doubling the same in five
years. As per assurance of the petitioner, the informant
purchased two bonds of Rs. 50,000/- in the year 2016 and after
completion of five years, the said two bonds got matured and



while the informant demanded the petitioner to make payment of both the bonds, the same was refused. Thereafter, the informant convened a meeting (*panchayat*) wherein, the petitioner agreed for making payment of both the bonds within three months and agreement to this effect was also executed by the petitioner in favour of the informant. It is further alleged that after expiry of three months, on demand made by the informant, the petitioner could not make payment and started abusing & assaulting the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. The petitioner is merely an agent of Co-operative Society Ltd and not a single penny has been received by him. It is alleged that on the assurance of petitioner, who is an agent of Co-operative Society, of doubling the amount in five years, the informant purchased two bonds of Rs. 50,000/- in the year 2016, but after expiry of five years the petitioner could not make payment of both the bonds. It is submitted that the said bonds have been handed over to the informant issued by the Co-operative Society after completion of five years and the Co-operative Society could not make payment to the informant. It is also submitted that Co-operative Society has not arraigned as



an accused in the instant case. Writ petition Civil No. 367 of 2017 was filed by the signatory of the Co-operative Society, namely, Ashok Thukral against SEBI for making payment to the investor. The Hon'ble Supreme Court was pleased to dispose of the writ petition with observation that however, considering the interest of the investors which is involved, we request the concerned Tribunal to adjudicate the matter. It is submitted that informant never given a single penny to the petitioner, but on his assurance, the informant purchased two bonds of the alleged Co-operative Society for doubling the money in only five years which failed, then the present case has been instituted by the informant only against the petitioner. Lastly, it has been submitted that the petitioner has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Alinagar P.S. Case No. 13 of 2024, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned



SDJM, Benipur at Darbhanga, subject to condition as laid down
Under Section 438(2) of the Code of Criminal Procedure, 1973.

(Khatim Reza, J)

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