

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50539 of 2024

Arising Out of PS. Case No.-1826 Year-1998 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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Prayag Narain Singh Son of Late Jagarnath Singh R/O Village- Kumhar Kol
Buzurg, P.S.- Sahadai Buzurg, District- Vaishali

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Ajay Bihari Singh Son of Thakur Dharamchandra Singh R/O Vill.-
Chhatwara Chakshek, P.S.- Mahua, Dist.- Vaishali

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey

For the Opposite Party/s : Mr. Md. Ataur Rahman

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-08-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 419, 420,
471, 406 and 120(B) of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the complainant
alleges that petitioner gave assurance that 16% amount will be
given on the amount deposited by him as annual maturity, based
on the assurance of the petitioner, the complainant deposited an
amount of Rs. 6,000/- in Berl India Finance and Investment
Limited, but when the policy matured and the complainant



contacted the petitioner for withdrawing the amount of fixed deposit, the petitioner and the other accused persons started avoiding and no maturity amount was given to the complainant.

4. Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the complaint, it would manifest that the same does not inspire confidence for the reason that the complainant does not disclose that when he was contacted by the petitioner for depositing an amount and in what capacity. The learned counsel next submits that the learned Sessions Judge, Vaishali, while adjudicating the anticipatory bail petition of the petitioner, eschewed the part of the order dated 23.03.2024 by which order dated 25.05.2018 was set aside, rather only recorded that since petitioner did not surrender in terms of order dated 23.03.2024, hence not entitled for anticipatory bail, thus, the order impugned gives an impression that the petitioner was an absconder, hence was directed to surrender, but since he did not surrender in terms of order dated 23.03.2024, hence not entitled for anticipatory bail.

5. The learned counsel for the petitioner next submits that process under Sections 82 and 83 Cr.P.C. was issued against the petitioner as he was not aware about the pendency of the instant complaint case, as such, he filed Criminal Revision No.



274 of 2023 against the order dated 25.05.2018 passed by the learned Trial Court declaring him an absconder on the ground that he never received any notice, nor there is any service report of any process issued. The learned Session Judge, Vaishali by his order dated 23.03.2024, thus, set aside the order dated 25.05.2018 holding:- *“As such the impugned order passed by the learned court below declaring the revisionist as absconder is not tenable in eyes of law, as such, order dated 25.05.2018 is set aside, however, since petitioner is wanted in the case as such directed to surrender.”* The learned counsel, thus, submits that the order by which petitioner was declared an absconder was set aside, as such, petitioner was not an absconder and he had taken a plea that no notice of the process under Section 82 of the Cr.P.C. was ever issued to him as such he was not aware of the case, further that he retired from Army in the year 1991 and since 1994, he has been residing at Delhi and has no concern with the complainant.

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

7. 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 Complaint Case No. 1826 of 1998 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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