

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50291 of 2024

Arising Out of PS. Case No.-5446 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Munna Kumar Son Of Sita Ram Tiwary @ Sita Ram Director - Manoj Rice Mill Having Its Registerd Office At Flat No. - 1b, Dayal Enclave, Patrakar Nagar, P.S.- Kankarbagh, Distt.- Patna, R/O- Khushhalchak, Sampatchak, P.S.- Gopalpur, Distt.- Patna
 2. Priya Devi Wife Of Munna Kumar Director - Manoj Rice Mill Having Its Registerd Office At Flat No. - 1b, Dayal Enclave, Patrakar Nagar, P.S.- Kankarbagh, Distt.- Patna, R/O- Khushhalchak, Sampatchak, P.S.- Gopalpur, Distt.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anshu Kumari Wife Of Gaurav Kumar R/O- Deva House, Salimur Ahra, Galit No. 1, Ner Chandraphul Apartment, P.S.- Gandhi Maidan, Distt.- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Samrendra Jha
For the State	:	Mr.Md. Ataur Rahman
For the O.P. No. 2	:	Mr. Rajeev Prakash

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 13-11-2024 Heard learned counsel for the petitioners, learned
A.P.P. for the State and learned counsel for the O.P. No. 2.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 406 of the Indian Penal Code and Section 138 of the N.I. Act.

3. It has been alleged by the complainant that she is Director of Manoj Kumar Rice Mills and other directors Munna Kumar and Priya Devi (the petitioners), who prompted her to invest in the said company and having faith on their assurance



she borrowed Rs.96 lakhs from marked and the said amount given to one Chawala Finance Services Delhi for getting loan of Rs.40 crore, but Jagveer Singh Chawala did not finance the company and misappropriated Rs. 96 lakhs by cheating in connivance with Munna Kumar, Priya Devi and Manoj Kumar.

4. Learned counsel for the petitioners submits that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that the petitioners' company could arranged only Rs.46 lakhs for the Chawala Finance Services for getting the loan of Rs.40 Crore, but the same could not be materialized, thereafter, the present case has been filed against Chawala Finance Services (Annexure-2 of this application). Petitioner no. 1 has two criminal antecedents and petitioner no. 2 has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State as well as learned counsel for the O.P. No. 2 opposed the prayer for anticipatory bail and submitted that the petitioners are involved in the present case.

6. Having regard to the facts and circumstances of the



case and the fact that there is civil/money dispute between the parties and the learned Court below has already taken cognizance against the petitioners under Section 406 of IPC and Section 138 of the N.I. Act, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Complaint Case No.5446(c) of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. The petitioners are directed to physically present in learned Court below on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, their bail bonds shall be liable to be cancelled by the learned court concerned.

(Anjani Kumar Sharan, J)

anand/-

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