

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53558 of 2024

Arising Out of PS. Case No.-14273 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Vishal Arora son of Late Kishan Chand Arora R/o- J-60, Sect.25, Jalvayu
Vihar, Gutam Buddha Nagar Noida Ps- Noida Dist- G.B Nagar, U.P

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chetan Kumar son of Late Suresh Prasad Gupta R/o- Maner Sweets Main
Road Maner Ps- maner Dist- Patna, A/P- Flat No-26/B, Narmada Apt.
Exhibition Road Ps- Gandhi Maidan Dist- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Mrigendra Kumar
		Mr. Akash Kumar Mishra
For the Opposite Party/s	:	Mr. Ram Priya Sharan Singh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-08-2024 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 offence punishable under Sections 406 and
420 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that Vivek Singh and Vishal Arora started a media firm,
namely, Stories Asia and offered the complainant to join as a
full time employee at Mumbai office, further the complainant
reached Mumbai but Vivek before handing over the



appointment letter, asked the complainant to give a friendly loan of Rs.30,000/-, the said loan amount was transferred by the complainant in the account of Vivek on 04.11.2019, further the appointment letter was thereafter given to complainant on 24.11.2019, it is next alleged that on 02.12.2019 Vishal asked for a loan of Rs.1 lakh on pretext of urgency of fund but got the amount transferred in his personal account, thereafter, Vishal again on 05.12.2019, 31.12.2019 and 16.01.2020 took Rs.1 lakh on each of the aforesaid dates from the complainant, further Vivek and Vishal on pretext of refunding the money again took Rs.35,70,000/- in between 03.02.2020 and 07.12.2020, out of which, major amount of the money was credited in the account of the company Stories Asia and some part of it was spent on purchasing for Mumbai office and payment to freelancers, thus the accused persons took Rs.40 lacs by way of loan which was credited in their personal account and the account of the company, further Vishal resigned from the company on 23.01.2021 and floated his own company namely Newsreel Asia and the money of the complainant was not returned as such complainant issued notice on 14.06.2022 but the same was not replied.

4. The learned counsel submits that petitioner has



been falsely implicated in the instant case by the complainant. It is next submitted that from perusal of the allegation as alleged in the complaint, it would manifest that the complaint has been filed only for the purposes of recovering the loan amount which the complainant claims that he had given by way of loan to the accused persons. It is next submitted that complainant was not an employee of the company rather was a partner in the company and the appointment letter was issued in his name for the reason that the complainant had come from Patna and since he was having difficulty in finding a rented accommodation as such the said appointment letter was issued, based on which, he got a space as his residence to stay in Mumbai. It is also submitted that no employee would give loan of Rs. 40 lacs and at the same time will receive salary from the company, which amply demonstrates that complainant was also a partner in the company. It is further submitted that Vivek and Vishal contributed Rs.7,67,000/- in the company business which had estimated value of Rs.40 lacs. It is next submitted that on account of dispute in between the partners, Vivek resigned and started his own company. It is also submitted that Stories Asia. org was previously owned by Stories Asia Trust which was later transferred to M/s Far Valley Media Pvt. Ltd. and the



complainant is one of the directors of M/s Far Valley Media Pvt. Ltd. and equal share holder along with Vivek and other co-accused. The learned counsel lastly submits that even presuming what has been alleged is true without admitting then the instant criminal has been instituted only with a view to coerce the petitioner into submission to fulfill the fanciful demand of the complainant under fear of arrest but then criminal courts are not to act like recovery agents. It is next submitted that if complainant is aggrieved by the fact that his money has not been returned in that event he has remedy of approaching the court of a competent civil jurisdiction. It is further submitted that complainant has also filed a Money Suit No.364/2022 against M/s Stories Asia and other, which is pending adjudication in the court of learned Sub-Judge-1, Patna. It is thus submitted that the instant criminal case has been instituted only to coerce the petitioner into submission.

5. Learned A.P.P. submits that since it is a complaint case, notices be issued, on which, the learned counsel appearing on behalf of the petitioner submits that since complainant has already approached the court of competent civil jurisdiction by filing Money Suit No.364/2022 and the criminal courts are not to act like recovery agents, in that event, notice is not necessary.



6. 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 Court below 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.14273C of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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