

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64042 of 2023

Arising Out of PS. Case No.-124 Year-2023 Thana- BARAULI District- Gopalganj

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1. Sanju Ram Son Of Dhupan Ram Village Bharkuiyan, P.S Manjhagarh, District Gopalganj
 2. Pradip Pandey @ Pradeep Kr. Pandey S/O Dhrup Pandey @ Dhruo Pandey Village Bhatwaliya, P.S Mirganj, District Gopalganj
 3. Shaukat Ali S/O Dil Mohammad Village Bansi Batraha, P.S Phulwariya, District Gopalganj
 4. Pradip Kumar Patel S/O Vishwanath Prasad Patel Village Batardeh, P.S Barauli, District Gopalganj Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner/s : Mr.Javed Aslam, Advocate

For the Opposite Party/s : Mr.Tarun Prasad Mandal, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 27-02-2024 Heard learned counsel for the parties.

2. Petitioners apprehend arrest in a case registered for the offence punishable under sections 406, 420, 120B/34 of the Indian Penal Code and section 3 of the Bihar Protection of Interest of Depositor Act, 2002.

3. As per the prosecution case, branch Office of a non-banking company i.e. Kamuna Credit Co-operative Society Ltd. was running at Barauli Kotwa road whose director (proprietor) was Pradeep Asthana, Branch Manager was Sanjay Ram (petitioner no.1), Area Manager was Pradeep Pandey (petitioner no.4) and cashier (operational manager) was Shaukat Ali (petitioner no.3). It is further alleged that all the aforesaid persons called the informant and got opened Recurring Deposit (RD) and Fixed Deposit (FD) of Rs.50,000/- after showing



company's registration and authority certificate. Accused persons made the informant agent of the said company. Thereafter, informant got deposited crores of rupees in the said branch through his contacts from the year 2012 to 01-04-2021. It is alleged that one day all the accused persons fled away after closing the said branch without returning the deposits and thus depositors were cheated.

4. It is submitted on behalf of the petitioners that during course of investigation, witnesses and the informant have stated that the money was given in the hand of the Managing Director Pradeep Asthana, and not a single paisa from the said deposits was entrusted to the petitioners, as such, no offence under sections 406 and 420 IPC is made out against them. Petitioners claim clean antecedent. Informant was himself an agent and collected amounts from customers and handed over the same to Director Pradeep Asthana. Petitioners were neither collecting the money nor deposited the same.

5. Considering the aforesaid facts of the case, prayer for bail of all the petitioners is allowed. In the event of arrest/surrender within six weeks from today, let these petitioners, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties



of the like amount each to the satisfaction of Judicial Magistrate
1st class, Gopalganj in Barauli Police Station Case No. 124 of
2023, subject to the conditions laid down under section 438(2)
of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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