

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53098 of 2024

Arising Out of PS. Case No.-551 Year-2018 Thana- PATNA COMPLAINT CASE District- Patna

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1. Sanjay Kumar Garodia S/O Late Vishwanath Garodia R/O Mohalla- Garodia Bhawan, Jhauganj Lane, P.S- Chowk, Dist.- Patna.
 2. Sudhir Kumar Garodia S/O Late Vishwanath Garodia R/O Mohalla- Garodia Bhawan, Jhauganj Lane, P.S- Chowk, Dist.- Patna.
 3. Saharsh Agrawal S/O Sanjay Kumar Garodia R/O Mohalla- Garodia Bhawan, Jhauganj Lane, P.S- Chowk, Dist.- Patna.
 4. Vaibhav Agrawal S/O Sudhir Kumar Garodia R/O Mohalla- Garodia Bhawan, Jhauganj Lane, P.S- Chowk, Dist.- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sunil Kumar Garodia S/O Late Bishwanath Garodia R/O Mohalla- Jhauganj Lane, P.S- Chowk, Distt.- Patna. At Present C- 46, 1st Floor Pamposh Enclave, New Delhi-48.
3. Branch Manager, Branch Head, Stock Holding Corporation of India Ltd. 2nd Floor, Asiana Plaza, Budh Marg, Patna, Pin Code - 800001

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Krishna Jha, Adv
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 25-04-2025 Heard learned counsel for the petitioners, learned
counsel for the OP. No. 2 and the State.

2. Petitioners apprehend their arrest in connection with
Complaint Case No. 551 of 2018 registered for the offences
punishable under Sections 200 and 202 of the Indian Penal



Code.

3. The prosecution case arises out of a complaint case filed by the brother of this petitioners making an allegation against his two brothers, two nephews that after obtaining false signature of the complainant all stocks worth Rs. 65 lakh was transferred in the account of his mother. The further allegation is that the stocks thereafter being transferred to another account and went to the stock holding from where, it was detected and hence, the complainant give a written application to the stock holders.

4. Learned counsel for the petitioner at the outset submits that the present petitioner nos. 1 and 2 are real brothers of the complainant while petitioner nos. 3 and 4 are the sons of petitioner no. 1 and 2, the nephews of the complainant. Further submission is that the allegations made in the complaint are not correct and as a matter of fact a *Khangri Batwara* had taken place amongst the parties in the year 2009 and as per the partition, share was transferred in the name of their mother Smt. Pushpa Devi Garodia. It has also been submitted that the mother of the petitioner and petitioner nos. 1 and 2 and the complainant had also earlier filed a complaint, being, Complaint Case no.198 of 2018 dated 27.02.2018 against the complainant and



his wife in which cognizance had also been taken. The complaint has been brought on record as Annexure-P-3 of the petition. It has also submitted that without giving consent in writing or document by the share holder, the shares cannot be transferred to the Demat Account of any other person from the account of the share holder. Hence, the allegation of putting forged signature is stated to be false and it is also the fact that no opinion of the hand writing expert has been obtained.

5. The learned APP for the State and learned counsel for the OP.No. 2 opposes the bail application on the ground that the complainant has been cheated by these petitioners of his shares amounting to Rs. 65 lakh.

6. Taking into consideration the civil nature of the dispute and also considering that the petitioner are own family members of the complainant, I am inclined to grant privilege of anticipatory bail to the petitioner. Accordingly, in the event of their arrest/ surrender within a period of four weeks from today the petitioners shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st class, Patna city in Complaint Case No. 551 of 2018, subject to condition as laid down under Section 438(2) of



the Cr.P.C and subject to the further condition that the petitioner shall co-operate in investigation/ trial.

(Soni Shrivastava, J)

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