

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56508 of 2024

Arising Out of PS. Case No.-273 Year-2024 Thana- KOTWALI District- Patna

Saket Kumar Jha @ Saket Jha Son Of Binay Chandra Jha Resident of S.D.O
Road, Noongola Hajipur Vaishali P.S- Hajipur District- Hajipur At Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mrs. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the Opposite Party/s	:	Mr. Jagdhar Prasad, APP
For the Informant	:	Mr. Durgesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 05-02-2025 Heard learned counsel for the petitioner, learned
counsel for the Informant, who sue motu appears in this case,
and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Kotwali P.S. Case No.273 of 2024, lodged on
23.04.2024, for the offences punishable under Sections
420/406/467/468/471/120B of the Indian Penal Code.

3. As per the prosecution, the FIR has been
lodged against seven named accused persons including the
present petitioner. It has been alleged in the FIR that



petitioner, who is the Assistant Legal Manager in the Organization, where fraud has alleged to have been committed, and allegation is that he in connivance with other accused persons have committed the said fraud, which was subsequently surfaced at the level of the Investigators to whom this matter was handed over for investigation and when came to the knowledge of the headquarter this case has been filed.

4. Learned Senior Counsel for the petitioner submits that petitioner is innocent and has committed no offence. He submits that petitioner was working as Assistant Legal Manager posted at Patna in the wing of Motor Vehicle Accident Claim matter. He was made in-charge of Bihar and Jharkhand. He submits that the Company used to appoint lawyer for defending the Company's case, selection of empanelment of lawyer used to be made at the level of Headquarter Office, Mumbai. He submits that for district Madhubani and Sheohar one lawyer Mr. Ashutosh Jha represented the Company. Learned Senior Counsel further submits that as soon as the petitioner has received this information about the said illegality, he has submitted the document to the Headquarter and thereafter Company has



constituted a separate investigating team. The said team was headed by the Company employee posted at Zonal Office. The petitioner has also provided information as demanded by Investigating Manager. He submits that Investigating Manager has prepared a report and it was found that the collected documents six out of eight cases are forge, on the basis of which the case has been filed in which petitioner has also been made accused only due to the reason that he was the Branch Manager of Bihar and Jharkhand. There is no direct involvement of the petitioner in the present case. Counsel submits that case-diary has been called for and from the case-diary it transpires that the petitioner is completely innocent and he become the scapegoat in this case. Antecedent of the petitioner is clean.

5. Learned Counsel for the Informant/Insurance Company vehemently opposes the prayer for anticipatory bail and submits that petitioner is the Assistant Legal Manager of the Company and at that very relevant period of time, he was not only the Manager rather In-charge of the Investigating Team Manager also. Therefore, he cannot say at this level that he is completely innocent and he is not aware of such fraud. He submits that in the case-diary, particularly, the evidences of



the Investigators made in paragraphs-20 and 21 i.e., the statement of the Investigating Officer. It become crystal clear that whatever be the report even slightest has been orally informed to him on phone and subsequently informed through paper to him. In this regard, the report was sent through mail also to the petitioner as well as to the headquarter. Therefore, at this level that he is innocent and there is absolutely no involvement of the petitioner may not be accepted and at least petitioner does not deserve anticipatory bail.

6. In response thereof, learned Counsel for the petitioner submits that these Investigators are not independent investigator; rather they are those investigators on whose instance and report the payment has been made.

7. Learned Counsel for the State opposes the prayer for bail and submits that this Court vide order dated 11.09.2024 passed in Cr. Misc. No.61438 of 2024 has rejected the anticipatory bail of other co-accused Ashutosh Kumar Jha, who is the lawyer, in such matters and according to him he has received all documents from the Manger.

8. In this background, this Court is not inclined to grant anticipatory bail to the petitioner. Hence, the prayer for anticipatory bail is refused. However, in the event of surrender



of the petitioner within four weeks, the prayer for regular bail shall be considered without being prejudiced by the order of this Court.

(Dr. Anshuman, J)

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