

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64744 of 2024

Arising Out of PS. Case No.-887 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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Dilip Kumar Diwakar @ Dilip Kr. Diwakar Son of Late Anup Lal Anup
Director of Active Group of Company, President of Vijay Nagar, Police
Station - Katihar Town, District - Katihar, presently Resident of Buddha
Nagar, Police Station - Pranpur, District - Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rameshwar Prasad Son of Late Batoran Prasad Resident of Village - Achari
Asthan, Dharani Tola, Ward No.- 20, Post - Mokama, P.S.- Mokama, District
- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Md. Helal Ahmad, Adv.
For the State	:	Mr. Satyendra Prasad, APP.
For the Complainant	:	Mr. Chandra Sen Prasad Singh, Adv. Mr. Manoj Kumar Singh, Adv.

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

7 17-06-2025 The petitioner and the complainant are present along with
their respective counsels in the Chambers proceedings.

2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 420, 467, 468, 471,
406, 120(B) of the Indian Penal Code. However, later on,
cognizance has been taken under Sections 420, 409/34 of the
Indian Penal Code.

3. Vide earlier order dated 08.05.2025, it would appear that
the complainant had made available the bonds of the investors
stating that 50 out of them have matured. Today, a supplementary



affidavit has been filed on behalf of the petitioner and as many as 19 demand drafts of the Punjab National Bank of different amounts in the name of different investors have been produced before the Court and the details of the same have been mentioned in paragraph 7 of the supplementary affidavit. These demand drafts are today being handed over to the complainant who receives the same in the presence of the petitioner and the counsels for both the parties. So far as the other bonds are concerned, it is submitted by learned counsel for the petitioner that the present complainant is not the collecting agent of all the bonds in question and secondly, the code numbers are not very clearly visible in the original bond and it is due to this reason that the payments with regard to some other investors has not been made. However, the petitioner, who is present in the Court, is agreeable to extend full cooperation from his side towards a full and final settlement of the grievances of the complainant at a future date when they would sit together and sort out the matter.

4. An objection is, however, raised on behalf of the complainant that the demand drafts that have been handed over are only of the principal amount and the interest has not been given thereupon. Hence, the petitioner would also be required to look into the matter of interest at a subsequent date. It is, however, submitted on behalf of the petitioner that none of the



investors have come forward to claim their amount and the complainant is only the collecting agent.

5. Be that as it may, having regard to the fact that the petitioner has showed his bona fide towards settling some of the grievances by way of making some payments towards at least 19 investors, I am inclined to extend the privilege of anticipatory bail to the petitioner. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of of the learned lower Court where the case is pending/successor Court in connection with Complaint Case No. 887(C) of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

6. However, it is expected that the petitioner would cooperate in resolving the entire issue along with the complainant so that the matter reaches its logical end. It is needless to say that the complainant also would cooperate with the petitioner in resolving the present issue.

(Soni Shrivastava, J)

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