

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75300 of 2024

Arising Out of PS. Case No.-709 Year-2022 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Satyadev Yadav, Male, aged about 69 years, son of Late Sheo Prasad Yadav,
resident of Village- Teliya Tola, Ward No.26, P.S.- Bagaha, District- West
Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nand Kishore Gond, Male, aged abut 35 years, son of Chandrika Gond,
resident of Village- Dindayal Nagar Ward No. 27, Bagaha Nagar Parishad,
Police Station- Bagaha, District- West Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Adv.
For the Opposite Party/s : Mr. Murli Dhar, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 29-01-2025 Heard learned Counsel for the petitioner and the

learned Additional Public Prosecutor for the State.

2. Notice was earlier issued to the opposite party, but

none has appeared on behalf of the opposite party no.2 even

after service of notice.

3. The petitioner apprehends his arrest in connection

with Complaint Case No. 709C of 2022, instituted under

Sections 341, 323, 406, 420, 504 and 34 of the Indian Penal

Code.

4. The prosecution case, in short, is that the petitioner

and other two accused persons were managing staff of a private

Finance Company, namely, *Dhananya Nidhi* Limited where the complainant was an agent and on his persuasion till the year 2019, different beneficiaries deposited the amount of rupees one lakh fifty thousand through the complainant, but on its maturity the petitioner did not return the money to the person concerned even after repeated request, and thus, the amount of rupees one lakh fifty thousand has been misappropriated by the petitioner and co-accused persons.

5. Learned counsel for the for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the petitioner is one of the Directors of the said Finance Company. Learned counsel for the petitioner further submitted that two cases were lodged; one by the agent and another by the beneficiary. It is also submitted that the petitioner has been granted anticipatory bail vide Cr. Misc No. 58259 of 2022 by a co-ordinate Bench of this Court in similar situated case. It is also the contention of the petitioner that the petitioner and other co-accused persons being the officials of the Finance Company, in question, were running the Finance Company very smoothly and the agents were also getting incentive etc. on time, but on account of COVID-19 pandemic, the business of the Finance Company completely

went down due to which some delay occurred in returning the matured amount to the beneficiaries. It is also contended that the petitioner undertakes that he will take all effort to ensure the payment of all the matured amount to the beneficiaries. Learned counsel for the petitioner further submits that the petitioner is ready to deposit the amount of rupees one lakh fifty thousand in the Court which will be subject to outcome of the case.

6. Learned APP submits that since the petitioner is ready to deposit the amount, the Court may pass appropriate order.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on **provisional bail** for a period of six months to be calculated from the date of surrender upon 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, Bagaha, West Champaran, in Complaint Case No. 709 of 2022, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that the petitioner shall deposit the amount of rupees one lakh fifty thousand to the

complainant in three equal installments of rupees fifty thousand in the *Nazarat* of the Civil Court. The first installment of rupees fifty thousand shall be deposited by the petitioner on or before 15th March, 2025, in the *Nazarat* of the Civil Court. Thereafter, the petitioner shall deposit the second and third installments of rupees fifty thousand on or before 15th April and 15th May, 2025, respectively in the *Nazarat* of the Civil Court.

8. The aforesaid deposit by the petitioner shall be subject to final outcome of the case.

9. Upon deposit of the entire amount of rupees one lakh fifty thousand, the provisional bail of the petitioner shall be confirmed by the Court below.

10. If the petitioner fails to deposit a single installment as agreed upon his provisional bail shall stand cancelled.

11. The application stands disposed of.

(Khatim Reza, J)

Jyoti Kumari/-

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