

(2020) 11 JH CK 0115
Jharkhand High Court
Case No: A.B.A. No. 5351 Of 2020

Bihari Singh

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision: Nov. 2, 2020

Acts Referred:

- Indian Penal Code, 1860 - Section 406, 420, 467, 468, 471
- Code Of Criminal Procedure, 1973 - Section 438(2)

Hon'ble Judges: Anil Kumar Choudhary, J

Bench: Single Bench

Advocate: A.K. Singh, Niki Sinha

Judgement

Heard the parties through video conferencing. Learned counsel for the petitioner personally undertakes to remove the defects as pointed out by the stamp reporter within two weeks after the lockdown period is over.

In view of the personal undertaking of the learned counsel for the petitioner, the defects pointed out by the stamp reporter are ignored for the present.

Apprehending his arrest, the petitioner has moved this Court for grant of privilege of anticipatory bail in connection with Patratu (Bhurkunda) P.S.

Case No.135 of 2018 registered under sections 420/406/467/468/471 of the Indian Penal Code.

The Learned counsel for the petitioner submits that the allegation against the petitioner is that the petitioner was instrumental in convincing the

informant and others in depositing the money with Bull Trade Finserve Company. It is further submitted that the allegations against the petitioner are

all false and the petitioner is an investor like the informant of this case and drawing attention of this Court to Annexure-2 at page no.27-28 of the brief,

which is a copy of the letter submitted by the informant subsequent to the lodging of the FIR to the Officer-in-charge of Bhurkunda Police Station, it is submitted that therein the informant has categorically stated that the petitioner has not misappropriated the money but the petitioner has himself deposited Rs.10,00,000/- with the said Company and like the petitioner, the informant also convinced others to deposit money with the said company. It is next submitted that there is no allegation of entrustment of any money to the the petitioner by the informant rather as admitted by the informant, that the informant was given postdated cheques by the company concerned for repayment of his invested amount. It is then submitted that the petitioner is ready and willing to cooperate with the investigation of the case. Hence, it is submitted that the petitioner be given the privilege of anticipatory bail.

Learned Addl. P.P. opposes the prayer for grant of anticipatory bail.

Considering the submissions of the counsels and the fact as discussed above, I am of the opinion that it is a fit case where the above named petitioner be given the privilege of anticipatory bail. Hence, in the event of his arrest or surrender within a period of six weeks from the date of this order, he shall be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Ramgarh, in connection with Patratu (Bhurkunda) P.S. Case No.135 of 2018 with the condition that the petitioner will cooperate with the investigation of the case and appear before the Investigating Officer as and when noticed by him and will furnish his mobile number and a copy of his Aadhar Card in the court below with the undertaking that he will not change his mobile number during the pendency of the case subject to the conditions laid down under section 438 (2) Cr. P.C.