

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49498 of 2015

Arising Out of PS.Case No. -72 Year- 2013 Thana -SHRIKRISHNAPURI District- PATNA

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1. Sanjeet Kumar Sharma Son of Sri Surendra Sharma Resident of Village -
Nandpur, P.S.- Bihta, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Choudhary

For the Opposite Party/s : Mr. Anil Prasad Singh (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 11-12-2015 Heard learned counsel for the petitioner, learned A.P.P.

representing the State as also learned counsel for the informant.

The petitioner seeks bail in connection with
Srikrishnapuri P.S. Case No. 72 of 2013 registered for the offences
punishable under Sections 406, 420, 467, 468, 471, 408,
427/34/120B of the Indian Penal Code.

Sanjay Kumar Singh, Chairman of Helious Group of
the Companies, lodged this case alleging that the petitioner
working as Executive Officer/Executive Director, fraudulently
executed agreement for sale of land and received huge amount
from them with his associate Akash Gautam, after forging the
signature of the informant with respect to lands of Helious
Company and misappropriated Rs. 1,44,91,560/- and used the

aforesaid money for themselves after cheating the innocent purchasers.

Submission is of false implication, admittedly the petitioner was Executive Officer/Executive Director of the company and he was doing the work as per work allotted by the Managing Director, if there was any defalcation, the matter ought to have been presented before the Board of Directors and the resolution should have been taken but without obtaining consent from Board of Directors, the F.I.R. has been lodged which is contrary to the Companies Act. The petitioner was not given opportunity to narrate the actual facts before the Board of Directors. The informant, Rajnish Rajan and Vinay Kumar Mantu are known to each other and they have planted every thing and after making false allegation, this false case has been lodged. The petitioner is in custody since 16.06.2015, the petitioner has purchased Endeavor Vehicle from Piryadarshi Ford in the name of his wife through cash from his own fund and not from the money of the company. Budha Colony P.S. Case No. 273 of 2013 has been lodged as the digital signature of the petitioner was used by the informant. In this case, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. duly assisted by learned counsel for



the informant opposes the prayer of bail by submitting that the petitioner and his associate have committed forgery, cheated the innocent purchasers by forging the documents relating to land and by executing agreement for sale with forged signature of the informant, and misappropriated crores of rupees of the company. The petitioner has not given the price of Endeavour vehicle in cash rather he got adjusted the price of the vehicle amounting to Rs. 22 lac in the price of the land which he fraudulently agreed to sale with the said Priyadarshi Ford on behalf of Helious Corporation for which he was not authorised. The petitioner is habitual cheater and he has got criminal antecedent.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with prosecution evidence and on the record there is nothing to say that the petitioner after release will influence the trial and, as such, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned A.C.J.M., Patna arising out of Srikrishnapuri P.S. Case No. 72 of 2013 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of

the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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