

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52304 of 2015

Arising Out of PS.Case No. -218 Year- 2015 Thana -DIGHA District- PATNA

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Vikash Sharma, Son of Sri Pawan Sharma, resident of Mohalla-Digha, P.S.- Digha, District-Patna			Petitioner
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Versus

The State of Bihar			Opposite Party
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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Vijay Anand, Advocate
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For the Opposite Party/s	:	Mr. Zainul Abedin, A.P.P.
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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 06-11-2015

Heard learned counsel for the petitioner, Sri Nawal

Kishore Agrawal along with Sri Vijay Anand and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Digha P.S. Case No. 218 of 2015 registered for the offences
punishable under Sections 419, 420 and 406/34 of the Indian Penal
Code.

The prosecution case is that one Ujjawal Prasad
Yadav gave his written petition before the officer-in-charge of
Digha Police Station alleging therein that he, his wife namely
Ranju Rai and one Kashi Prasad Yadav used to supply materials in
GPT Rahee (JV), Digha for last three years, for which, time to
time, payment was made, as a result of which, they came in close
contact of the officers. It is further alleged that as per the request,
made by the petitioner for payment of salary to the staff of the



GPT Rahee (JV), the informant, his wife and one Kashi Prasad Yadav gave him Rs. 53,90,000/- and for the same, receiving was made on the Letter-head of GPT Rahee (JV) by the petitioner. It is further alleged that when the informant, his wife went to GPT Rahee (JV) for demanding their money from Vikash Sharma, he told that their money has been invested in the Company and later on, they got knowledge that petitioner has resigned from the Company. It is further alleged that when the informant and others contacted with Vikash Sharma on phone, he assured to return their money back but thereafter, he left from here with intention to grab their money and as such, present FIR has been lodged.

It has been submitted by Counsel for the petitioner that he is innocent and has committed no offence and falsely been implicated in the said case. It has further been submitted by the Counsel for the petitioner that the petitioner was appointed as Senior Manager (Commercial) by the said firm GPT Rahee Infra Project Limited and Rahee Industries Limited, which had undertaken construction works at Patna and both GPT Infra Project and Rahee Industry had executed power of attorney in favour of the petitioner. It has further been submitted by Counsel for the petitioner that from the First Information Report, in the informant's own statement, it appears that the money, which the petitioner has received, were being used for payment to the casual

staff of the said industries where he was Senior Manager (Com.) and as well as for purchase of many tools from time to time. Furthermore, it has been submitted that just because the said Company i.e. GPT Infra Project and Rahee Industries has revoked the power of attorney, which was issued in favour of the petitioner. This First Information Report has been lodged, wherein the petitioner has been implicated for the said offence under Sections 419, 420 and 406 of the Indian Penal Code. The learned Senior Counsel further submits that one other criminal case bearing Digha P.S. Case No. 157 of 2015 registered under Sections 304/34 of the Indian Penal Code which is not relevant to the present case.

Be that as it may, let the petitioners, above named, in the event of their arrest or surrender within a period of six weeks from today before the Court below be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of Md. Imam Khan, learned Judicial Magistrate 1st Class, Patna in connection with Digha P.S. Case No. 218 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Nilu Agrawal, J)

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