

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50294 of 2015

Arising Out of PS.Case No. -14 Year- 2015 Thana -BUDDHACOLONY District- PATNA

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Sanjeet Kumar Sharma Son of Surendra Kumar Singh @ Surendra Kr. Sharma, Resident of village - Anandpur, P.S. Bihta, District - Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma

For the Opposite Party/s : Mr. Satyavrat Verma (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

5 18-01-2016 Heard learned counsel for the petitioner and learned A.P.P. representing the State.

The petitioner seeks bail in connection with Budha Colony P.S. Case No. 14 of 2015 registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

Allegedly the petitioner contacted the informant who is representative of Eden Infrabuild Pvt. Ltd. Company to provide land and accordingly, took advance of Rs. 50,00,000/- through cheque and again took cheque of Rs. 15,00,000/- and again took cheque of Rs. 2.35 crore. The petitioner also took cash of Rs. 5,00,000/- and took time to execute the agreement. The informant came to know from news-paper that there is no land to SYBARC Company and the petitioner has cheated and then the advance

given was demanded, but he refused.

Submission is of false implication, the offence as alleged are not applicable, the petitioner has not received any amount either in individual capacity or in the capacity of Director or Executive Director of Helios Corporation. There was an agreement between SYBARC and informant and the alleged amount of Rs. 50,00,000/- and Rs. 15,00,000/- was received in the account of SYBARC under the Directorship of Akash Gautam, the informant has not performed his part of contract, there is no chit of paper to show that the petitioner received cash of Rs. 5,00,000/- , cheques of Rs. 50,00,000/-, 15,00,000/- and Rs. 2.35 crore, were dishonored and thereafter informant transferred Rs. 65,00,000/- in the account of SYBARC Infrabuild Pvt. Ltd and without any fault, the petitioner is suffering in custody since 16.06.2015.

The learned A.P.P. duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that petitioner is habitual offender and he is involved in several such cases and during investigation, the allegation had been found true.

In the facts and circumstances stated above, considering that alternative remedy lies in Civil Suit and, as such, considering the detention of the petitioner, the petitioner, above named, is directed to be released on bail on execution of bail bond

of **Rs.20,000/- (twenty thousand)** with two sureties of the like amount each to the satisfaction of the Learned Additional Sessions Judge IV, Patna arising out of Budha Colony P.S. Case No. 14 of 2015 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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