

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 45736 of 2016

Arising Out of PS.Case No. -70 Year- 2016 Thana -DELHA District- GAYA

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1. Pradip Bhavaskar son of Ramarao Bhikaji Bhavaskar, resident of A/104 Shilalekh C.S.S. Plot No. 36, Sector 17, Kamothe, P.S. Kamothe Navi Mumbai, Maharastra-410209.
 2. Tushar Deshmukh son of Madhukar Desh Mukh, House No. 202 and 301 Shrestha Swapan, Near Sagar Dairy Shivajee Chowk, Badlapur East P.S. Badlapur District Thana Maharastra – 421503.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.

For the Opposite Party/s : Mr. Tarun Prasad Mandal, A.P.P.

Mr. S.N.P.Sinha, Sr.Adv.

Mr. Rakesh Kr. Srivastava, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 28-10-2016 Heard Sri Arun Kumar, learned counsel for the petitioners, Sri Tarun Prasad Mandal, learned Addl. Public Prosecutor as well as Sri S.N.P.Sinha, learned senior counsel assisted by Sri Rakesh Kumar Srivastava, learned counsel, who has voluntarily appeared on behalf of informant.

Two petitioners, who are in custody since 23rd July, 2016 in Delha (District Gaya) P.S. Case No. 70 of 2016 registered for offence under Sections 406, 420, 120(B), 34 of the Indian Penal Code, have prayed for grant of bail.

As per F.I.R., allegation against the petitioners is that petitioners, associated with one Dheeraj Kumar, had persuaded the informant to invest huge amount. The informant as well as his

other family members had invested amount to the tune of Rupees Forty five lacs and the said amount was transmitted to the account of company through bank. It has been claimed that no paper was given to the informant and by committing fraud, the petitioners, alongwith one of the co-accused hailing from Bihar, had cheated the informant.

It is stand of the petitioners that the informant had invested the said money in company in relation to share business and in the business, he had suffered loss. It is not a case of cheating, whereas, Sri Sinha, learned senior counsel, opposing the prayer for bail, submits that money was not taken for share purpose, but fraudulently, it was obtained from the informant and his family members.

Be that as it may, keeping in view nature of accusation and period of custody, let both the petitioners namely Pradip Bhavaskar and Tushar Deshmukh be enlarged on bail on furnishing bail-bonds of **Rs. 10,000/-** (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 7th, Gaya in connection with Delha P.S. Case No. 70 of 2016.

(Rakesh Kumar, J.)

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