

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36958 of 2017

Arising Out of PS.Case No. -71 Year- 2016 Thana -LAHERIMUHALLA District- NALANDA
(BIHARSHARIFF)

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Shishir Srivastav @ Bittu S/o Sudhakar Srivastav, Resident of Ward No. 7
neat Bus Stand Tamkuri Road Kushinagar, Police Station-Kushinagar
District-Kushi Nagar (U.P.)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate
Mr. Ganesh Sharma, Advocate
For the Opposite Party/s : Mr. Md. Ashlam Ansari, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 07-09-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

Petitioner seeks bail in connection with Laheri P.S.
Case No. 71 of 2016 registered for the offence punishable under
Sections 406 and 420/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant,
Sudha Kumari, is that she had deposited Rs. 7,01,000/- in lieu of a
flat as per the advertisement of Avani Engiom Developers Private
Limited flashed in the local channel of Doordarshan. The
company had assured to allot flat within 15 days and an agreement
to that effect was entered into between the parties. It is alleged that



neither the flat has been allotted nor the money has been returned.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that he was one of the workers in the said company and he has also been duped of Rs. 25 lacs by the company. He submits that the cheques were issued in the name of the company and that the company has not been sued, rather, a case has been filed by the informant before the District Consumer Forum, Nalanda for the same accusation. He submits that the matter is purely of civil nature and that he is languishing in judicial custody since 06.05.2017 and that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned counsel for the informant vehemently opposes the prayer for bail stating therein that the petitioner was one of the Directors of the Company and all payments have been received by him and that it is not only the informant, but there are several other persons, who are involved in the said transactions and petitioner has duped many other innocent persons. Learned A.P.P. for the State also opposes the prayer for bail.



Considering the facts and circumstances and the materials on record, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-1, Nalanda at Biharsharif in connection with Laheri P.S. Case No. 71 of 2016, subject to the condition that both the bailors would be close relative of the petitioner, who will file an affidavit stating their relationship with the petitioner and that petitioner will appear before the learned Court below on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds. It is also made clear that petitioner will not leave the State of Bihar without the permission of the learned Court below.

(Nilu Agrawal, J.)

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