

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43396 of 2017

Arising Out of PS.Case No. -59 Year- 2017 Thana -AGAMKUAN District- PATNA

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1. Sanjeet Kumar, S/o Sri Ramjee Sharma, Resident of Vill- Petiya, P.S.-
Nagarnausa, Distt- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rakesh Kumar Singh, son of Bishundeo Prasad, R/o Mahatma Gandhi
Nagar, P.S. Agam Kuan, District Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha

For the Opposite Party/s : Mr. Manish Kumar 2

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 20-12-2017 Heard learned counsel for the petitioner, learned
counsel for opposite party no. 2 and learned APP for the State.

Petitioner seeks bail in connection with Agamkuan
P.S. Case No. 59/17 for offences punishable under Sections 419,
420, 406/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that the brother of the petitioner Ajit Kumar had taken Rs. 3 lakhs
as loan on bond paper and another loan of Rs. 15,50,000/- in cash
and agreed to transfer his Uro Foam Agency to the informant, but
neither the agency was transferred in the name of the informant
nor money was returned. The petitioner and his brother Ajit
Kumar had given three cheques of Rs. 15,50,000/- in which the



petitioner had issued a cheque of Rs. 2 lakhs being of M/s Shubham Enterprises, but all the three cheques got bounced.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and neither any agreement was signed by him to the tune of Rs. 3 lakhs nor any money was taken by him, but he agrees that a cheque of Rs. 2 lakhs in the name of M/s Shubham Enterprises was issued by him and he is ready to refund the said money. He submits that charge-sheet has already been submitted, there is no allegation of tampering of the prosecution witnesses by the petitioner and he is in custody since 03.03.2017.

However, learned counsel for opposite party no. 2 submits that the petitioner along with his brother in connivance usurped the amount of Rs. 18,50,000/- from the informant. He submits that the affidavit filed in the bail application stating that Chintu Kumar is the brother of the petitioner is false as they are only two brothers, which needs to be verified. He further submits that because of such fraudulent act on the part of the petitioner and his brother, the petitioner does not deserves privilege of bail.

Learned APP for the State also opposes the prayer for bail.



Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate, Patna City, Patna, in connection with Agamkuan P.S. Case No. 59/17, subject to the condition that the petitioner will pay a sum of Rs. 2 lakhs of which he had issued cheque by March, 2018 in four equal installments, failing which the bail bond of the petitioner shall stand cancelled.

(Nilu Agrawal, J)

Rajesh/-

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