

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14740 of 2017

Arising Out of PS.Case No. -396 Year- 2014 Thana -PATLIPUTRA District- PATNA

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1. Alok Kumar Srivastava, S/o Late Chandra Shekhar Srivastava, Resident of Mohalla-Sherpur Road, Mithanpura Lala, P.S. Bela, District-Muzaffarpur. Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh

For the State : Mr. Sri Ajay Mishra

For the informant : Mr. R. K. Shukla

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

17 21-02-2018

Heard both sides.

The petitioner seeks bail in Patliputra P.S. case No. 396 of 2014 registered under Section 419, 420, 406, 467, 468, 471, 341, 323, 504/34 and 120B of the Indian Penal Code.

The prayer of petitioner for bail was earlier rejected by this court vide order dated 29.09.2015 passed in Cr. Misc. No. 20993 of 2015.

Mr. Sumit Singh, the learned counsel for the petitioner, submits that petitioner is ready to deposit Rs. 35 lac and is also ready to deposit deeds showing the land standing in his name with undertaking that he would not sale any property during the pendency of the case. The petitioner is in jail since 15.12.2014. The petitioner has already remained in jail for more than three years in the present case and the trial has not yet been concluded. The wife of the petitioner is suffering from breast and cervical cancer. The petitioner has already incurred hefty expenditure in treatment of his wife, therefore, the petitioner may be allowed six months time to deposit Rs. 35 lac from the date of his release.

Mr. R. K. Shukla, the learned counsel for the



informant, submits that although more than one crore of the informant and other investors has been misappropriated by the petitioner but if the petitioner deposits Rs. 35 lac within six months and also deposit the deeds showing land standing in his name with undertaking not to sale those land during the pendency of the case, the informant has got no objection if the petitioner is allowed bail.

Considering the facts aforesaid and the fact that petitioner has already remained in jail for more than three years, the petitioner, above named, is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st class, Patna in connection with Patliputra P.S. case No. 396 of 2014 subject to condition that if the petitioner fails to deposit Rs. 35 lac within six months from the date of his release in the form of fixed deposit and the deeds showing the land standing in his name with undertaking not to sale those land during the pendency of the case, the learned court below shall cancel the bail bonds of the petitioner immediately after lapse of six months.

(Prabhat Kumar Jha, J)

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