

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60850 of 2017

Arising Out of PS.Case No. -577 Year- 2017 Thana -BIHAR District- NALANDA
(BIHARSHARIFF)

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Amit Sharma @ Deepak Kumar @ Amar Deepak Kumar, son of Arun Prasad @ Suresh Sharma, resident of Village-Bishunpur, P.S.-Bind, District-Nalanda

.... Petitioner/s

Versus

1. State of Bihar
2. The Central Bank of India through Branch Manager, Nalanda College Branch, Biharsharif, Nalanda

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. D.K. Sinha, Senior Advocate
Mr. Anil Kumar No.1, Advocate

For the State : Mr. Umeshlal Verma, APP

For Opposite Party No.2 : Mr. Nishi Nath Ojha, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 18-01-2018 Heard Mr. D.K. Sinha, learned Senior Counsel for the petitioner and the learned counsel for the Central Bank of India as also the learned counsel appearing on behalf of the State.

The petitioner is in custody since 13.10.2017 in connection with Bihar P.S. Case No.577 of 2017 registered for the offences under Sections 420, 467, 468, 471 and 406/34 of the Indian Penal Code.

Diary in the present case was called for, which has since been received.

Learned counsel for the petitioner submits that there is no material worth the name in the F.I.R. so as to disclose



the clear nature of offence committed by the petitioner and the diary also does not clearly establish any connection regarding the fraud having been committed by the petitioner or money was surreptitiously derived from other source and deposited in his account.

Learned counsel for the Central Bank of India, however, submits that the matter has been duly investigated and it has been found that the petitioner was operating an account and the sources from which the huge transactions were being made could not be determined.

Learned counsel appearing for the State, after perusing the case diary, has not been able to substantiate the connection between the offence as alleged in the F.I.R. and the materials which have surfaced so as to link the sequence of events, leading to the arrest of the petitioner. It is also submitted that now the charge sheet has been submitted.

Considering the entire gamut of circumstances and that the petitioner has been in custody for more than three months and that he undertakes to co-operate in the investigation and the trial which has ensued, as charge sheet has already been submitted, let the petitioner, above named, be released 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 Chief Judicial Magistrate, Nalanda at Biharsharif, in connection with Bihar P.S. Case No.577 of 2017, subject to the following conditions:

(1) One of the bailors shall be his blood relative, namely, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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