

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63535 of 2017

Arising Out of PS.Case No. -266 Year- 2017 Thana -LAHERIMUHALLA District- NALANDA
(BIHARSHARIFF)

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Shishir Kumar Srivastava @ Bittu @ Shishir Srivastava, Son of Sudhakar Srivastava, Resident of Ward No. 7 near Bus Stand Tamkuri Road, Kushinagar, Police Station- Kushinagar, District- Kushi Nagar (U.P.) at present Shishir Srivastava (Director), Avani Enggcom Developers, Pvt. Ltd. Shankar Market, Laxmi Petrol Pump near Patna Ranchi Road Biharsharif, District- Nalanda.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ganesh Sharma

For the Opposite Party/s : Mr. Sri Prem Kumar Jha

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 12-02-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Laheri P.S.
Case No. 266 of 2017 for offences punishable under Sections 420,
406, 341, 323, 506/34 of the Indian Penal Code.

Initially a complaint case were lodged against the
petitioner and the directors of one Avani Enggcom Developers
Pvt. Ltd. on promise of giving a flat had taken Rs. 4, 70, 000/-
from the complainant but neither the flat was delivered nor money
refunded.

It has been submitted by the learned counsel for the



petitioner that he is innocent and an employee of the said developers and one Rahul Raj is the manager who had taken the money and given the receipt thereof. He submits that in fact he is also aggrieved as he has also invested his money in the said project and has been cheated. He submits that large number of cases have been filed against him in which he is on bail and that in the present case he is languishing in judicial custody since 10.10.2017 and charge-sheet having been submitted.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is involved in eight more cases earlier and does not have a clean antecedent.

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 Additional Chief Judicial Magistrate-1, Nalanda at Biharsharif in connection with Laheri P.S. Case No. 266 of 2017, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner, who will file an affidavit stating his relationship with the petitioner.
- (2) Petitioner will appear before the learned court below during



trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Arjun/-

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