

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7474 of 2019

Arising Out of PS. Case No.-150 Year-2017 Thana- ARA NAGAR District- Bhojpur

Vishal Kumar Sinha, Son of Sri Uma Kant Prasad, Resident of New Colony,
Jailhatta, Sarvodya Nagar, Daltanganj, P.S- Daltanganj, District- Palamau,
Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyam Shivam Sundaram, Adv.

For the Opposite Party/s : Mr. Uday Chand Prasad, Adv.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 08-02-2019 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
22.07.2016 in connection with Ara Nagar P.S. Case No. 150 of
2017 for offences punishable under Sections 406, 420,
120(B)/34 of Indian Penal Code. The present case arises out of
Complaint Case No. 1367-C of 2016 which was later on
converted to F.I.R. under Section 156(3) Cr. P.C.

The prosecution case as lodged by the
complainant/informant is that the petitioner being director of
DJN, Commodities had duped money of customers in alluring
them for higher maturity value of bonds and fixed deposits. It



has further been alleged in F.I.R. that on 18.07.2016 in his account Rs. 8,82,305/- figured but the petitioner along with other co-accused have closed the said company and have fled away with all deposits.

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 charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses. It is further submitted that the petitioner did not misappropriate the money of informant as the so called agent had collected the money and he undertakes to co-operate in the trial on day to day basis.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and as many as ten cases of similar nature have been instituted against him earlier.

However, learned counsel for the petitioner submits that in some of the cases which relates to Jharkhand, the petitioner has already been granted the privilege of bail.

Considering the facts and circumstances of the case and materials on record and the fact that charge-sheet has



been submitted as well as the period of custody, let the 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 the learned Chief Judicial Magistrate, Ara, Bhojpur in connection with Ara Nagar P.S. Case No. 150 of 2017, subject to the conditions:-

(1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) The 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)

devendra/priyanka

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