

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7744 of 2019

Arising Out of PS. Case No.-383 Year-2018 Thana- ARA NAGAR District- Bhojpur

VISHAL KUMAR SINHA, aged about 45 years, Male, Son of Sri Uma Kant Prasad, Resident of New Colony, Jailhatta, Sarvodya Nagar, Daltanganj P.S.- Daltanganj, district Palamau, Jharkhand ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. P.K. Shahi, Sr. Adv. with
Mr. Satyam Shivam Sundaram, Adv.
For the Opposite Party : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 11-02-2019 Heard Mr. P.K. Shahi, learned Senior Counsel, assisted by Mr. Satyam Shivam Sundaram, learned counsel for the petitioner and the learned counsel appearing for the State.

The petitioner is languishing in judicial custody since 22.07.2016 in connection with Ara Nagar P.S. Case No. 383 of 2018 for the offences alleged under Sections 406, 420, 120B and 34 of the Indian Penal Code.

The prosecution case, as lodged by the complainant, being Complaint Case No. 674C of 2018, which was later on converted into a first information report under Section 156(3) of the Criminal Procedure Code is that petitioner being the Director of DJN Commodities Group of Company had lured ordinary persons in fixed deposits for giving high returns and has closed his company and absconded.

It has been submitted by the learned counsel for the



petitioner that he is innocent and has falsely been implicated in the aforesaid case. He submits that the agents, in the name of the Company, have duped the ordinary people and petitioner has nothing to do with the said misappropriation. It is, further, submitted that charge sheet has already been submitted, there being no allegation of tampering with the prosecution witnesses. He, further, submits that in allegations of similar nature the petitioner has already been granted privilege of bail from the Hon'ble High Court of Jharkhand at Ranchi and by this Court in Cr. Misc. No. 7474 of 2019, dated 08.02.2019.

However, the learned Additional Public Prosecutor 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 are pending against him before the different Courts in Bihar and Jharkhand.

However, considering the facts and circumstances and the materials on record as well as the period of custody, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Ara Nagar P.S. Case No. 383 of 2018 to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara, subject to the following conditions :



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

(ii) 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)

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