

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.11502 of 2020**

Arising Out of PS. Case No.-318 Year-2019 Thana- DURGAWATI District- Kaimur (Bhabua)

SHIVENDRA KUMAR SINGH @ GUDDU SINGH Son of Vijay Bahadur
Singh Resident of Village - Bhabua Professor Colony Ward No. 5, P.S.-
Bhabua, District - Kaimur at Bhabua.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey, Advocate

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 02-06-2020 This application has been placed for consideration by

the order of the Hon'ble the Chief Justice through virtual court

proceeding.

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner in the present case is seeking regular

bail in connection with Durgawati P.S. Case No. 318 of 2019

registered for the offence punishable under Sections 466, 467,

468, 469, 471, 420, 406/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that in the

first information report it is alleged that in the year 2014 at the

instance of one of his distant relatives Manoj Yadav the

informant handed over a sum of Rs. 6 lakhs to the petitioner for

purpose of providing job to the son and daughter of the



informant. It is alleged that some other persons had also given some amount to the petitioner for purpose of providing job. It is alleged that this petitioner handed over an envelop to the informant in which there was a letter calling one of the applicants to appear on 30.08.2016 in Sasaram Collectorate with all the original papers. When the said person went to Sasaram, Collectorate then he was told by one of the staffs there that the letter was a forged letter. It is alleged that since then the informant and others are asking the petitioner to refund their money but the petitioner is not refunding their amount. They have alleged that the petitioner has taken money fraudulently and by cheating the informant and others.

Learned counsel for the petitioner submits that it is evident from the allegations made in the first information report that the informant had allegedly given the amount in the year 2014 and now he is looking for refund of the amount. It is submitted that the entire allegations are false and baseless allegations as the petitioner is not involved in any illegal activity, no chit of paper has been produced before the investigating officer showing transaction of money between the petitioner and the informant.

Learned APP for the State has opposed the prayer for



regular bail of the petitioner. It is submitted that the petitioner has got criminal antecedents of similar nature, however, it is admitted that in paragraph '3' petitioner has stated that the petitioner is on bail in all cases except Bhabhua P.S. Case No. 651 of 2015.

Considering the facts and circumstances of the case, the submission that there is no material to suggest any money transaction between the petitioner and the informant in the name of providing job in the year 2014 and further that the petitioner has remained in custody since 18.11.2019, investigation against him is complete and it is not the submission of learned APP for the State that the release of the petitioner at this stage is any way likely to interfere with the course of trial, let the petitioner above named be released on bail in connection with Durgawati P.S. Case No. 318 of 2019 on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction learned Chief Judicial Magistrate, Kaimur at Bhabua, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,



(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

This application stands disposed of.

(Rajeev Ranjan Prasad, J)

avm/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

