

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21685 of 2020**

Arising Out of PS. Case No.-551 Year-2013 Thana- CIVIL LINE District- Gaya

BIRENDRA KAZI @ BIRENDRA KUMAR S/o Bhup Narayan Kazi
Resident of Village- Bairiya Khurd, P.S.- Laukariya, Distt- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar, Advocate
For the Opposite Party/s : Mr. Shakir Ahmad, APP.

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

3 02-09-2020

As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the learned Counsel for the State.

Petitioner seeks bail in Gaya Civil Lines PS Case No. 551 of 2013 registered under Section 406, 420, 467, 468, 471 and 120B/34 of the IPC.

The informant has alleged that he was allured to invest Rs. Fifty Lakhs in the real-estate company and the activities of the company thereafter became suspicious. Returns as guaranteed were not honoured and as such he alleges that the amounts have been misappropriated and he has been cheated.

Learned Counsel for the petitioner submits that this is the third attempt of the petitioner for bail before this Court. Earlier he had moved in Cr. Misc. Nos. 24139 of 2018 & 20612 of 2015 when



this Court had rejected his prayer for bail.

Learned Counsel for the petitioner further submits that being an employee of the company in question, only allegation against him is that when the informant visited the office of the company at Delhi, he along with others had assured the informant that soon the amount of assured returns would be honoured. He submits that investigation is complete. Charges have been framed in the year 2015 itself. The petitioner is now in custody for almost six years (since 29.12.2014).

Learned APP has opposed the prayer for bail.

Considering the rival submissions prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of ACJM 13 Gaya in Gaya Civil Lines PS Case No. 551 of 2013 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J.)

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