

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.43219 of 2019**

Arising Out of PS. Case No.-84 Year-2017 Thana- GOPALGANJ COMPLAINT CASE  
District- Gopalganj

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KESHAW KR. PANDEY @ KESHAV KUMAR PANDEY Son of  
Prabhunath Pandey Resident of Village - Babhani, P.S.- Kateya, District-  
Gopalganj

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Rajkumar Harijan Son of Late Nath Ram Resident of Village - Amawa, P.S.-  
Kateya, District- Gopalganj

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Prashant Kumar  
For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

3      09-06-2020                      The present petition has been taken up for  
  
consideration through the mode of Video conferencing in view  
  
of the prevailing lock-down on account of COVID 19 Pandemic,  
  
requiring social distancing.

Heard the learned counsel for the petitioner and  
  
Shri Chandra Bhushan Prasad, the learned APP for the State.

The present petition is by way of 2<sup>nd</sup> attempt at the  
  
behest of the petitioner for grant of regular bail inasmuch as the  
  
earlier bail petition filed by the petitioner for grant of regular bail  
  
was dismissed by this Court by an order dated 25.07.2018 passed  
  
in Cr. Misc. No. 28737 of 2018 in connection with Complaint  
  
Case No. 84 of 2017, Tr. No. 1371 of 2018 for the offence



punishable under Sections 406, 420 and 467 of the Indian Penal Code.

The case of the Opposite Party No.2 is that after he retired from the paramilitary force and had received retiral benefits in the year 2015, he came to his village whereupon his neighbour i.e. the petitioner herein approached the Opposite Party No.2 and convinced him that if the money is invested with him, who is said to be working in Central Bank of India, the Opposite Party No.2 would get interest @ 8% annually and 2% monthly. Thereafter, the Opposite Party No.2 is said to have given a total sum of Rs. 19 lacs to the petitioner herein but after lapse of one year the Opposite Party No.2 did not receive any interest, whereupon he went to the Central Bank of India and found upon enquiry, that his money was not traceable. The Opposite Party No.2 had then gone to the house of the petitioner and asked him about his money whereupon two cheques totalling to a sum of Rs. 3, 50,000/- were given to the Opposite Party No.2, but the same could not be encashed. It is thus alleged by the Opposite Party No.2 that the petitioner has cheated the Opposite Party No.2 and engaged in breach of trust.

The learned counsel for the petitioner has



submitted that the petitioner is languishing in custody since 27.07.2018, hence he be granted the privilege of regular bail.

Per contra, the learned counsel for the Opposite Party No.2 as also the learned APP appearing for the State has vehemently opposed the prayer for bail and have submitted that there is no change in circumstances so as to reconsider the prayer for grant of bail to the petitioner.

Having regard to the facts and circumstances of the case, considering the fact that there is no change in circumstances, from the day the prayer of the petitioner for grant of bail was rejected earlier on 25.07.2018, till date, I do not find any reason to reconsider the prayer of the petitioner for grant of bail, hence the present petition stands dismissed.

**(Mohit Kumar Shah, J)**

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