

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67531 of 2019

Arising Out of PS. Case No.-733 Year-2019 Thana- SHASTRINAGAR District- Patna

Sunil Kumar Dhawan @ Sunil Dhawan @ Sunil Kumar Son of Late Jagat Pal
Dhawan Resident of A1, 147FF, Janak Puri, B- ISO West Delhi, P.S.-
Janakpuri, District-North New Delhi-110058.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 67419 of 2019

Arising Out of PS. Case No.-733 Year-2019 Thana- SHASTRINAGAR District- Patna

Arun Kumar Son of Late Hari Narayan Singh Resident of Village - House
no.135, Bhagwati Garden, Block- E, Uttam Nagar, P.O. and P.S.- Uttam
Nagar, Distt.- West Delhi, Delhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 67531 of 2019)

For the Petitioner/s : Mr.Mr. Sanjay Singh
Mr.Vinod Kumar

For the Opposite Party/s : Mr.Parmeshwar Mehta

(In CRIMINAL MISCELLANEOUS No. 67419 of 2019)

For the Petitioner/s : Mr.Rakesh Kumar Sharma

For the CSBC : Mr. P.N. Sahi, Sr. Adv

Mr. Sanjay Pandey

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

7 31-01-2020

Heard the parites.

2. Cr. Misc. No.67531 of 2019 has been filed by
accused Sunil Kumar Dhawan @ Sunil Dhawan @ Sunil Kumar
and Cr. Misc. No.67419 of 2019 has been filed by accused Arun



Kumar. Both the cases arises out of Shastri Nagar P.S. Case No.733 of 2019 dated 6.9.2019, as such both the cases are taken together for disposal for the sake of convenience.

3. Prosecution case is based on the written report filed by the O.S.D. (Kamla Kant Prasad) of Kendriya Chayan Parishad (Sipahi Bharti) Bihar, Patna wherein it has been alleged that on the basis of agreement between the Parishad and M/S ICN India Pvt. Ltd., New Delhi, the firm was instructed with the task of receiving and compiling of online applications of the candidates for the year, 2017-18 and 2018-2019 and as per the condition of agreement, the Company has to deposit the amount, received as application fee, by six days of receiving in the Government Account. Accordingly, the Firm received Rs.14,06,39,674/- but never deposited the same in the Government Account, for which notice was given to the petitioner (Sunil Kumar Dhawan @ Sunil Dhawan @ Sunil Kumar) being Director of the Company and petitioner (Arun Kumar) being Manager of the Company, thereafter the written report has been filed for misappropriation of huge amount.

4. Submissions has been made on behalf of the petitioner, Sunil Kumar Dhawan @ Sunil Dhawan @ Sunil Kumar that Arun Kumar has purchased shares of the M/S



ICN India Pvt. Ltd. on behalf of M/S BINSYS TECHNOLOGIES PVT. LTD. from Sunil Kumar Dhawan @ Sunil Dhawan @ Sunil Kumar and his wife, which will appear from Annexure-2 and he took over the management of M/S ICN India Pvt. Ltd. and became Director of the Company, which will appear from Annexure-3, as such for non-payment of the aforesaid dues, it is the company of Sri Arun Kumar, who has received application money and also remitting part of it to CSBC. He was also called by the Board and made a declaration for making payment of Rs.10,56,39,674/- to CSBC.

5. Further submission is that the petitioner Sunil Kumar Dhawan @ Sunil Dhawan @ Sunil Kumar is aged about 62 years and suffering from several diseases and considering the above a Co-ordinate Bench of this court vide order dated 17.12.2019 granted provisional bail to the petitioner, Sunil Kumar Dhawan @ Sunil Dhawan @ Sunil Kumar on payment of Rs.3.5 crore within four days from the date of his release and the petitioner had deposited above amount to the CSBC (Parishad), as such he has not misused the privilege of provisional bail and ready to abide by any condition imposed upon him.

6. On the other hand the learned counsel for the



petitioner, Arun Kumar has submitted that he is also ready to deposit the rest of the amount of Rs.10,56,39,674/- in three equal installment within a period of three months.

7. Heard learned Sr. counsel for the CSBC, who has opposed the prayer for bail but submitted that if the petitioners are ready to pay back the amount, he may be released only on payment of the aforesaid amount.

8. Considering the submissions as made above, so far petitioner, Arun Kumar of Cr. Misc. No.67419 of 2019 is concerned, if he is ready to pay Rs.10,56,39,674/- and on payment of Rs.3.52 crore as first installment, he may be released on provisional bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM IV, Patna in connection with Shastri Nagar P.S.Case no.733 of 2019 for a further period of two months and during that period, he has to deposit rest of the amount in two equal installment of Rs.3.52 crore and once the total amount is deposited the provisional bail granted to the petitioner, Arun Kumar shall be confirmed.

9. It is made clear that failure to deposit the above installment within the period as specified, the provisional bail



granted to Arun Kumar (petitioner of Cr. Misc. No.67419 of 2019) shall be cancelled.

10. So far petitioner Sunil Kumar Dhawan @ Sunil Dhawan @ Sunil Kumar of Cr. Misc. No.67531 of 2019 is concerned, his provisional bail granted to him is confirmed with condition that he has to co-operate in the investigation and appear before the Investigating Officer as well as the authority concerned as and when required.

11. With the above direction, this application is disposed of.

(Vinod Kumar Sinha, J)

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