

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87504 of 2019

Arising Out of PS. Case No.-106 Year-2018 Thana- SHRIKRISHNAPURI District- Patna

CHANDRA SHEKHAR Son of Late Raghubir Prasad Resident of Mohalla - P.C. Colony Kankarbagh, F-656 (Wrongly in F.I.R. as F-565), P.S.- Kankarbagh, District - Patna, Bihar, At present Officer's address - L1/64, S.K. Puri, Near Shiv Mandir, Boring Road, P.S.- Shree Krishna Puri, District - Patna, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nagendra Upadhyay
For the Opposite Party/s : Mr.Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 18-01-2020 Heard the learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Shree Krishna Puri PS case no. 106 of 2018 instituted for the offence punishable under Section 406, 420 of Indian Penal Code.

The allegation is regarding the informant having paid a sum of Rs. 15,49,350/- to the Gharaunda Construction Private Limited for the purposes of purchasing two flats. It is alleged that the Managing Director of the said Construction Company is one Shashi Shekhar and the other Director is the petitioner herein. It is further alleged that though the petitioner had paid the money, long back in between the yer 2014-15, however till date, neither the money has been returned nor the possession of



the flats has been given to the informant.

The learned counsel for the petitioner has submitted that the petitioner had resigned from the said Construction Company in the year, 2014 and the said Construction Company is being managed by one Shashi Shekhar, who happens to be the brother of the petitioner herein. It is further submitted that while the learned lower court was considering grant of regular bail to the co-accused person namely Shashi Shekhar, the said co-accused person had undertaken to deposit a sum of Rs. 5 lacs and the balance amount was directed to be deposited in instalments of Rs. 1 lac per month till exhaustion of the aforesaid sum of Rs. 15,49,350/-. It is further submitted that upon payment of a sum of Rs. 5 lacs to the informant of this case, the said co-accused person namely Shashi Shekhar was released on provisional regular bail. It is thus the submission of the learned Senior Counsel for the petitioner that since the brother of the petitioner, who is the whole-sole Managing Director of the Construction Company in question, especially after the month of September, 2014, had undertaken before the learned court below to liquidate the entire liability, as aforesaid, it is he who is responsible for the payment of balance amount of a sum of Rs. 10,49,350/-. Nonetheless, the learned Senior counsel for the petitioner has submitted that the petitioner is ready and willing to



deposit a sum of Rs. 5 lacs in order to show his bonafide before the learned court below and has also got no objection, in case the same is withdrawn by the informant of this case, however this Court may indicate that in case, the petitioner succeeds in the trial, the said amount may be refunded back to the petitioner by the informant. Lastly, it is submitted that the petitioner is languishing in custody since 14.09.2019.

Per contra, the learned counsel Sri Jha appearing for the informant has submitted that the informant has been harassed to bits by the conduct of the accused persons and his hard earned money has been misappropriated by the accused persons, inasmuch as, admittedly, the aforesaid amount of Rs. 15.49 lacs approximately was taken by the aforesaid Construction Company and neither the flats, as promised in pursuance to the agreement dated 06.01.2015, has been handed over to the informant nor the money has been refunded. It is further submitted that in case, this Court is inclined to grant bail to the petitioner herein upon deposit of a sum of Rs. 5 lacs, the said sum be directed to be given to the informant of this case.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties, I deem it fit and appropriate to direct the petitioner to deposit a sum of Rs. 5 lacs before the Nazarat of the learned Civil



Court at Patna through Bank Draft and immediately thereupon, the petitioner shall be released on regular bail, subject to such conditions as may be deemed fit and proper to be imposed by the learned court of Sub Judge-cum-A.C.J.M.-IV-cum-Special Judge, CBI-I, Patna in connection with Shree Kishnapuri PS case no. 106 of 2018. It is further directed that in case, the informant of this case approaches the learned court below for withdrawal of the aforesaid sum of Rs. 5 lacs, the same shall be released upon furnishing of adequate security to the informant, however the same shall be subject to final outcome of the trial and in case, the petitioner succeeds in the trial and is acquitted, he shall be liable to recover the said sum of Rs. 5 lacs from the informant of this case.

With the aforesaid observations and directions, the present petition stands disposed off.

(Mohit Kumar Shah, J)

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