

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13813 of 2021

Arising Out of PS. Case No.-586 Year-2020 Thana- SASARAM NAGAR District- Rohtas

Bhola Shankar Kumar, male, aged about 22 years, Son of Saroj Kumar Sharma Resident of Village- Indra Chowk, P.S.- Chenari, District- Rohtas (Sasaram).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumeet Kumar Singh

For the Opposite Party/s : Mr.Rajendra Kumar Deo

Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4. 16-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Sasaram (Town) P.S. Case No. 586 of 2020, registered for the offence under Sections 419, 420, 379 of the Indian Penal Code.

As per the prosecution case, a sum of Rs. 40 lacs from the account of the informant was misappropriated by some unknown person through net-banking.

It is submitted on behalf of petitioner that petitioner is not named in the FIR. During course of investigation, on the confessional statement of co-accused Amit Kumar Gupta, name of petitioner and others has surfaced. Only allegation against the petitioner is that he went to Varanasi to purchase gold biscuit out of the defalcated money. There is no allegation against the



petitioner that he was in any way involved in withdrawing the aforesaid money from the Axis Bank account of informant or any transaction in this regard has been made in his account. There is no recovery of any gold or incriminating article from the possession of petitioner. Similarly situated co-accused Yadunath Pandey @ Bhaiji has already been granted bail by a coordinate Bench of this Court, vide order dated 15.07.2021 passed in Cr.Misc. No. 10915 of 2021. Petitioner is in custody since 02.11.2020. Chargesheet has been submitted.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances, the bail petition of petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Rohtas, Sasaram/concerned court in connection with Sasaram Town P.S. Case No. 586 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.



(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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