

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.11021 of 2020**

Arising Out of PS. Case No.-37 Year-2018 Thana- SHEIKHOPUR SARAI District-  
Sheikhpura

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PANKAJ KUMAR S/O Sri DilKishore Singh R/O Mohalla - Lal Babu Road,  
Pahasi, New Godown, P.S. - Kotwali, Dist. - Gaya, Dairector of Save  
Solutions Pvt. Ltd., A Company incorporated under the Companies Act 2013  
havind its Head office at 3rd Floor, Apex Towers, Anugrah Puri Colony, P.S. -  
Rampur, Dist.- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shiv Kumar S/O Sharwan Kumar @ Sarwan Kumar @ Suresh R/o Vill. -  
Nimi, P.S. - Shiekhpor Sarai, Dist. - Sheikhpura.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma  
For the Opposite Party/s : Mr.Aditya Narayan Singh.1

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**CORAM: HONOURABLE MR. JUSTICE A. M. BADAR**  
**ORAL ORDER**

3      06-04-2022                      This is an application for cancellation of bail filed by  
  
the first informant.

Heard the learned counsel for the first informant. He  
  
submits that though the liberty was secured by the accused by  
making a statement through his learned counsel that he will  
refund the balance amount of Rs. 12.50 lakhs in five equal  
installments, that commitment is not honoured by the accused  
and, therefore, their bail needs to be cancelled.

None appeared for respondent No.2-accused.

The first informant, Director of Save Solution Pvt.  
  
Ltd. had lodged an F.I.R. alleging offences punishable under



Section 406, 409, 420 read with 34 of the IPC against respondent No.2/ accused, Sheo Kumar. It is averred in the FIR that the first informant is business correspondent of the State Bank of India and it had permitted respondent No.2/ accused Sheo Kumar to operate 'Grahak Seva Kendra'. However, the said accused had misappropriated the amount of Rs. 15 lakhs and had not deposited the same though he collected it.

After registration of subject crime, on 16.10.2018, respondent No.2/ accused came to be arrested. He preferred bail application before the trial Court and the same was rejected. That is how he approached this Court by filing Cr. Misc. No. 34912 of 2019 and on 19.06.2019, the Coordinate Bench of this Court had noted statement of learned counsel appearing for the respondent No.2/ accused that he had already paid an amount of Rs. 2.50 lakhs and he shall refund the balance amount of Rs. 12.50 lakhs in five equal installments.

Now, it is averred that this commitment has not been honoured by the respondent No.2/accused. Refund of the amount misappropriated cannot be consideration for grant of bail. The investigation of subject crime was already over and the charge-sheet was filed. Noting of the submissions of the learned counsel for the respondent No.2 /accused does not mean



to say that if that commitment is dishonoured, liberty of the respondent No.2 which is his cherish right gets curtailed.

No case for cancellation of bail is made out. Ultimately, the respondent No.2/ accused will have to face the trial and suffer the consequences in case the alleged offences is proved against him.

Hence rejected.

**(A. M. Badar, J)**

sanjeev/-

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