

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32470 of 2021

Arising Out of PS. Case No.-698 Year-2020 Thana- SAHARSA SADAR District- Saharsa

=====

KRISHNA YADAV @ KRISHNA KUMAR BHARTI S/O VISHNUDEO PRASAD YADAV @ VISHNUDEO PRASAD VIMAL R/O VILLAGE-CHIKNI (BARSAM), P.S.-SOUR BAZAR, DISTRICT-SAHARSA AT PRESENT RESIDING AT BATRAHA, WARD NO.25, NEAR GHANI SHIV MANDIR, P.S. AND DISTRICT-SAHARSA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha
For the Opposite Party/s : Mr.Ravindra Kumar

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

8 09-03-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Saharsa Sadar P.S. Case No. 698/ 2020 registered for the offences punishable under Sections 406, 409, 420, 467, 468, 34 of the IPC and Section 34(2) of the Company Act, 2013.

The gist of the prosecution case is that petitioner along with two other accused persons cheated several persons including the informant in the name of providing loan.



Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that petitioner is ready to pay the amount to the persons whose name have been mentioned in para 5 of the supplementary affidavit which are as follows:-

1. Anwari Khatun, 2. Aajarena Prawin, 3. Rupa Kumari, 4. Rabayana Khatoon, 5. Tarana Pravin, 6. Md. Akhtar Nomane, 7. Safina Khatun, 8. Samina Khatoon, 9. Shavana Khatun, 10. Mukesh Poddar, 11. Sanjeev Kumar, 12. Umadev, 13. Indu Devi, 14. Anil Yadav (informant), 15. Gangadhar Yadav, 16. Kaishol Khatun, 17. Sahaban Khatoon, 18. Saheb Kumar Paswan, 19. Sunil Yadav, 20. Madip Kumar, 21, Bibi Sahanaj, 22. Suresh Paswan and 23. Tajamal Khatun.

Learned counsel for the petitioner further submits that in fact, petitioner is not the Director of the company. He further submits that co-accused Piyush Barnwal was Director and Suraj Kumar was Area Manager of Sanchit Vikash Nidhi Limited. He further submits that co-accused, namely, Piyush Barnwal and Suraj Kumar have been granted bail by a co-ordinate Bench of this court vide order dated 13.08.2021 passed in Cr. Misc. No. 3197 of 2021 in which they clearly stated that allegation of



cheating is against the present petitioner. He further submits that police after investigation submitted the charge sheet against the petitioner and other accused persons on 30.11.2020 and the petitioner is in custody since 25.11.2020.

The learned Additional Public Prosecutor on the basis of the material on record and the case diary fairly submits that petitioner is willing to pay the amount to the persons as mentioned in para 5 of the supplementary affidavit and, hence, he may be enlarged on bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of Sri Ravi Kumar, learned Judicial Magistrate 1st Class, Saharsa in connection with Saharsa Sadar P.S. Case No. 698/ 2020, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

4. The learned trial court must verify the factum of payment of 23 persons whose name have been mentioned in the order sheet before releasing the petitioner on bail.

(Rajesh Kumar Verma, J)

shahzad/-

U		T	
---	--	---	--

