

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.50253 of 2022**

Arising Out of PS. Case No.-111 Year-2019 Thana- KOILWAR District- Bhojpur

Prashant Kumar Sinha S/O Late Kamal Kant Karn Resident of village- New Colony, Jail Hatta, Sarvodaya Nagar, Daltanganj, P.S.- Daltanganj, District- Palamu, Jharkhand.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Jha, Advocate

For the Opposite Party/s : Mr. Nand Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 23-12-2022

Learned counsel for the petitioner undertakes to remove all the defects as pointed out by the Stamp Reporter by 16th January, 2023.

Heard learned counsel for the petitioner and Mr. Nand Kumar, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Koilwar P.S. Case No. 111 of 2019 registered for the offences punishable under Sections 406, 420, 120(B)/34 of the Indian Penal Code. He is in custody since 16.09.2021. He has four criminal antecedents.

Learned counsel for the petitioner submits that as per the prosecution story, co-accused Jai Shankar Pathak being the co-villager of the informant, on the assurance of giving 4% interest per month, asked him to deposit money in DGN Company, where he was working as a field officer. The informant opened account of his wife in the said Company and deposited a sum of Rs.1,00,000/-. However, after some time, it came into notice of the



informant that Jai Shankar Pathak has misappropriated the money of 38 persons of his village. When the informant went to the office of DGN Company, he came to know that Vijay Prakash Thakur is the Branch Manager, Prashant Kumar Sinha (petitioner) is the Director and Vishal Kumar Sinha is the proprietor of the said Company.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the main allegation of collecting money from the informant is against one Jai Shankar Pathak and the Branch Manager of the said Company namely Vijay Prakash Thakur has already been granted bail in Cr. Misc. No. 53104 of 2021. Learned counsel further submits that the petitioner is in custody since 16.09.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the thrust of allegation of collecting the money is against the co-accused Jai Shankar Pathak and the Branch Manager namely Vijay Prakash Thakur has been granted bail in Cr. Misc. No. 53104 of 2021, so far as this petitioner is concerned, he is said to be one of the directors of the company and in all other cases of similar nature as stated in paragraph '3' of this application, he is said to be on bail, in the present case, investigation against him is complete and he is in custody since 16.09.2021, there is no submission on behalf of the State that release of the petitioner at this stage is likely to result in tampering with the evidence or interfering with the course of trial, this Court directs release of the



petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Koilwar P.S. Case No. 111 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

And further condition that since in the petition, it is not stated that the petitioner is on bail in all the cases, the learned court below shall look into this aspect and on being satisfied that the petitioner is on bail in the cases stated in paragraph '3', the court below issue the release order.

The application stands allowed.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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