

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55440 of 2022

Arising Out of PS. Case No.-402 Year-2022 Thana- GAYA MUFASIL District- Gaya

Sanjay Sharma @ Sanjay Kumar, aged about 48 years, (Male), Son Of Late
Krishna Sharma R/O Village- Dema, P.S.- Khijarsarai, Distt.- Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni, Adv.

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 16-12-2022 This matter has been taken up today for consideration
through video conferencing.

Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Gaya
Muffasil P.S. Case No. 402/2022 registered for the offences
punishable under Section 384, 420 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
informant has alleged that he has given 351,000/- to the
petitioner for manufacturing of ice-cream plant. The petitioner
had assured that he will supply the machine on 13.04.2022, but
he has neither supplied the machine, nor is he returning the
amounts deposited.



Learned counsel for the petitioner has drawn attention of the Court towards the money receipts enclosed by the informant along with the F.I.R. to submit that the agreed price of the plant was 460,000/- (Four Lacs Sixty Thousand) which is apparent from the money receipt dated 05.03.2022. As per petitioner's own version, he has paid only Rs. 351,00/-, and, therefore, he is not in a position to claim delivery of the plant. The submission is that, in fact, the petitioner has sustained heavy loss on account of his false implication, as he has remained in custody since 14.06.2022, based on this criminal proceeding, in relation to a predominantly civil dispute wherein the informant is guilty of breach, by not depositing the agreed price for the plant in question. Petitioner's incarceration has caused grave loss to the petitioner, otherwise, also as he is unable to carry on his business; and liabilities are mounting against him.

It is submitted by the informant's counsel that he has taken the money on loan for making payments

Learned counsel for the informant and learned APP for the State has opposed the prayer for bail.

Considering the rival submissions based on money receipt filed by the informant himself along with the copy of the F.I.R. , as also the fact that the petitioner is a man of clean



antecedent this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, 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 the learned C.J.M., Gaya, in connection with Gaya Muffasil P.S. Case No. 402/2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

Raj kishore/-

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