

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71477 of 2021

Arising Out of PS. Case No.-582 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

Rakesh Kumar Shrivastava, S/o Awadh Lal @ Bali Ram Prasad Shrivastava,
R/o village- Tikaita, P.S.- Turkauliya, District- East Champaran, at present
resident of Gopi Tower 5th Floor, Room No. 501, Saguna More, District-
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vijay Shankar Shrivastava, Advocate
For the State	:	Mr.Anil Prasad Singh, APP
For the Informant	:	Mr.Uday Pratap Singh, Advocate
		Mr. Raju Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 16-11-2022 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the informant.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Bhabhua P.S. Case No. 582 of 2020 registered
for the alleged offences under Sections 420 and 409 of the
Indian Penal Code.

As per prosecution case, the petitioner duped the
informant in depositing Rs. 1,30,57,100/- in the account of his
company giving him inducement that he would get his money
doubled. Thereafter, the petitioner issued seven cheques for an



amount of Rs. 4,10,20,000/-. But the money of the informant was not doubled and when the informant demanded his money from the petitioner, he was threatened.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. As a matter of fact, the informant was one of the stake holders in the company of the petitioner and he invested the money in the company. During lock-down, the trading of the company was closed and as such dispute arose. Although the petitioner has almost returned the money to his partners including the informant but still the informant has lodged this false case. The falsity of the allegation has also apparent on the face of the record as the informant gave Rs. 1,30,57,100/- to the petitioner who gave him cheques for an amount of Rs. 4,10,20,000/- but if it was given on the promise of doubling the same, it is not understandable as to why cheques for an amount of Rs. 4,10,20,000/- have been issued. The informant has not given details of the account of the company in which he deposited Rs. 1,20,57,100/- and cash amount of Rs.10,00,000/-, respectively. The informant has also not mentioned the period during which the petitioner assured him that his money would be doubled.



There is delay of one year and five months in lodging the FIR for which there is no reasonable explanation. Learned counsel further submits that the petitioner is in custody since 27.07.2021 and the charge-sheet has been submitted in this case.

Learned APP as well as learned counsel for the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that the petitioner is in the habit of running away with the money of other persons and in this manner he has collected huge amount from different persons and fled away with the money and he was arrested from Kolkata, West Bengal. Learned counsel further submits that the petitioner also executed an agreement with the informant on 25.10.2019, undertaking that he would return money taken from the informant. Learned counsel further submits that the petitioner is a habitual offender and is accused in a number of cases of similar nature.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the investigation is complete and charge-sheet has been submitted in this case and further considering the period of custody of the petitioner, he is directed to be released on bail on



furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Bhabhua P.S. Case No. 582 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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