

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11753 of 2023

Arising Out of PS. Case No.-695 Year-2020 Thana- DANAPUR District- Patna

RAKESH KUMAR SHRIVASTAVA S/O LATE BALI RAM PRASAD
SHRIVASTAVA @ LATE SACHIDANAND PRASAD @ LATE UDHAW
LAL Resident of Village- Tikaita, P.S.- Turkauliya, District- East Champaran
at present resident of Nexes Trading Counsiling, Gopi Tower, 5th Floor
Room, No.- 501 Saguna more, P.S.- Danapur, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 04-09-2023 Heard learned counsel for the petitioner, State as also
the informant.

2. The petitioner is in judicial custody in connection
with Danapur P.S. Case No. 695 of 2020 registered under
Sections 406, 409 and 420/34 of the Indian Penal Code and
Section 138 of the N.I. Act lodged on 09.12.2020 by the
informant, Yogendra Singh.

3. Pursuant to the last order dated 10.05.2023, the
opposite party no. 2, Yogendra Singh has appeared through his
lawyer.

4. The case of the prosecution is that opposite party
no. 2, who is ex-Army man open promise of the petitioner that



the amount invested will be doubled/returned in two months, invested Rs. 62 lakhs 12 thousand and the amount that he was expecting is/are 1,24, 24,000/-.

5. However, the petitioner showed him the moon and he expected that the same will be coming to him within two months which never happened. Feeling cheated, the present case.

6. On instruction, learned counsel for the petitioner submits that he *bona fidely* invested the amount of the informant but failed in the business and would like to return for the present the principal amount of Rs. 62, 12,000/- diligently.

7. It is his further submission that admittedly, Rs. 18,00,000/- has already been returned and the rest of the amount, he wants to return in the following manner:

(i) Rs. 12 lakhs at the time of the executing the bail bond;

(ii) Rs. 1 lakh per month to be deposited in the bank account of the informant through RTGS by 10th of every month beginning November, 2023 which will continue up-to May, 2027 and the rest over amount (out of Rs. 62, 12,000/-) will be paid by 10th June 2027 on which date the entire principal amount will come to an end.



(iii) a default of two consecutive months, the informant shall be entitled to take appropriate steps for cancellation of his bail bond;

8. Learned counsel for the informant, on the other hand, submits that he was entitled to Rs. 1,24, 24,000/- but for the present, even if he is ready to pay the principal amount, he has no objection to the grant of bail to him

9. Taking into account the aforesaid facts, this Court is inclined to extend him privilege of bail subject to the undertaking given by the learned counsel for the petitioner, as stated above.

10. Let the petitioner be released on bail on furnishing bail of Rs. 1,00,000/- (one lakh) with two sureties of the like amount to the satisfaction of the learned ACJM, Danapur in connection with Danapur P.S. Case No. 695 of 2020 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her



bail bond by the Trial court itself;

(iii) he shall be submitting demand draft of Rs. 12 lakhs at the time of execution of bail bonds in favour of the informant.

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(vi) he shall be duty bound to surrender his passport, if he possess, before the concerned court at the time of execution of the bail bond.

11. The bail application stands disposed of with the aforesaid observations.

(Rajiv Roy, J)

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