

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26167 of 2023**

Arising Out of PS. Case No.-177 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Rakesh Kumar Shrivastava S/O Late Bali Ram Prasad Shrivastava R/O
Village- Tikaita, P.S- Turkauliya, Distt.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Krishna Prasad S/O Ram Pujan Yadav R/O Village- Doghra Tola, P.O-
Doghra, P.S- Bihta, Distt.- Patna, Bihar, Pin-802206

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava
For the Opposite Party/s : Mr.Anil Prasad Singh

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

3 25-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 420, 406, 467 and 34 of the Indian Penal Code and Section 138 of N.I. Act. But cognizance has been taken only under Section 420 of IPC and Section 138 of N.I. Act.

As per the prosecution case, allegation against the petitioner is that being the CMD of the Nexus Trading Counseling , he committed fraud by taking twelve lakh from the complainant with an assurance to return the said amount with profit from the business in six months. It is also alleged that after six months, when the complainant went to the petitioner at



his branch and demanded his money with profit then the petitioner along with other co-accused persons became aggressive and told that we would not return the said amount. It is further alleged that petitioner along with his other associates had fled and had taken handsome amount from other persons all over the India. Thereafter, this case has been registered.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to business dispute between both the parties. It is further submitted from para-8 of this petition that no occurrence has taken place as alleged in the complaint petition. As a matter of fact that the complainant was one of the partners of the Nexus Trading Counseling and Bapu Dham Trading in which the complainant invested his as alleged amount but during the lock down period, the said trading firm was closed and as such the dispute has been arisen. It is also submitted that although the petitioner has almost returned the amount of his partner but still the complainant has lodged the present case against the petitioner with a false and concocted story. The nature of this case is civil . Moreover, the petitioner is languishing in judicial custody since 08.07.2022.

Learned APP appearing for the state has opposed the



prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Complaint Case No. 177/C/2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Danapur.

(Sunil Kumar Panwar, J)

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