

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29925 of 2023

Arising Out of PS. Case No.-432 Year-2017 Thana- SHASTRINAGAR District- Patna

SARVESHWAR KUMAR SADANAND @ ARBIND KUMAR Son of
Shyam Pandit Resident of Vani Nilay, Balkrishna Enclave, Sheopuri (Beur),
P.O.-Anishabad, Police Station-Gardanibag, District-Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan, Advocate
For the Opposite Party/s : Mrs. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 19-08-2023 Heard the parties.

The petitioner is in custody in connection with Shastrinagar P.S. Case No. 432 of 2017 for the offence under sections 406, 409, 420, 467, 468, 472, 120B r/w 34 of the Indian Penal Code lodged on 02.08.2017 by the informant, Ganesh Prasad Yadav.

As per the prosecution story, the allegation is that on 26.12.2014, he purchased a company based in Kolkata for which he needed a Chartered Accountant, the present petitioner suggested him the name of a person (Anup Kumar Utthasini) as Chartered Accountant. It is further alleged that both the accused



persons persuaded that the informant may need ornaments for the marriage of his daughter and accordingly, should start purchase some ornaments. On their assurance Rs. 7,77,000/- was transferred in the account of accused Anup Kumar Utthasini but nothing was delivered. Accordingly, feeling cheated, the F.I.R.

Learned counsel for the petitioner submits that he had merely suggested the name of the Chartered Accountant and actual amount was transferred to the account of accused, Anup Kumar Utthasini. He further submits that for the said narration, he has already suffered by being in custody since 27.02.2023 (as stated in paragraph 20 of the petition). Though, he concedes that he has criminal antecedent of the same nature.

Further, the submission is that without accepting the allegation and/or the outcome of the present petition, he intends to pay Rs. 3,50,000/- to the informant in installments through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court and which may be handed over to the informant after checking the credentials.

Learned APP opposes the prayer for bail stating that he has criminal antecedents of the same nature and further, not



only he suggested the name of Chartered Accountant, he persuaded alongwith the other accused to purchase the ornaments and as such his complicity cannot be ignored.

Though, there is force in the submission of the learned APP, considering that he has remained in custody since 27.02.2023 and is ready to return some amount to the informant, though in installments, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 3,50,000/- as undertaken by the learned counsel for the petitioner in the following manner:

(i) Rs. 1,00,000/- to be deposited by way of Demand Draft of the local State Bank of India branch in favour of the informant to the concerned Court at the time of execution of bail bond;

(ii) Rs. 50,000/- through Demand Draft of the local SBI in favour of the informant to the concerned Court beginning October 2023 (by the 10th of every month) which will come to an end in the month of February 2023 (totalling to 3,50,000/-);

(iii) the first Demand Draft of Rs. 1,00,000/- as also the Demand Draft so submitted every month to be handed over to the informant after checking the credentials of the informant beside the first demand Demand Draft of Rs. 1,00,000/-;



(iv) the failure on the part of the petitioner to make payment as stated above, the informant will be at liberty to take steps for the cancellation of his bail bond.

Let the petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty-five thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, IXth, Patna, in connection with Shastrinagar P.S. Case No. 432 of 2017 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 bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(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 the 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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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