

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34089 of 2022

Arising Out of PS. Case No.-58 Year-2020 Thana- SAHAR District- Bhojpur

Praveen Kumar Son Of Upendra Sharma R/O Village- Gopalpur, P.S.- Rani Talab, District- Patna, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar
For the Opposite Party/s : Mr. Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 02-02-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Sahar P.S. Case No. 58 of 2020 , registered for the offences punishable under Sections 420 and 406 of the Indian Penal Code.

The prosecution case as emerges from the FIR is that the informant Bibha Kumari is an agent of Sankalp Shrijan Producer Company Ltd and Sankalp Parivar Infrastructure Ltd. She got the amount of Rs. 7 lakhs deposited from her family, relatives and others. It further alleged that she requested the petitioner, who is Director of



the aforesaid Company, for return of such money and on her request, the petitioner handed-over the cheque of Rs. 34,000/- to the informant which was deposited by the informant for its encasement in her account but the cheque was dishonored due to insufficient amount in the account of petitioner.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that petitioner has already been paid Rs. 34,000/- and hence no offence is committed. However, he is ready to pay the amount of Rs. 34,000/- to the informant by way of bank draft in the Trial Court at the time of submission of bail bond subject to out come of the case. He also submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the petitioner has been languishing in jail since 09.08.2021.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in ten other cases in which he is on bail.



It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. A.C.J.M-6, Ara in connection with Sahar P.S. Case No. 58 of 2020 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person



acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(vi) The petitioner will submit a bank draft of Rs. 34,000/- in favour of the informant which will be handed-over to the informant and this payment by the accused-petitioner by way of bank draft, will be subject to the outcome of the criminal case. In case it is found that petitioner is not liable to pay the cheque amount, then this amount will be given back by the informant to the accused-



petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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