

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43155 of 2023

Arising Out of PS. Case No.-2074 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Shailendra Kishore @ Shailendra Kumar S/O Yogendra Prasad @ Yogendra Singh R/O Mohalla- 5/B, Nooranibagh Colony, Gulzarbagh, P.S- Alamganj, Distt.- Patna, Prop. of Surnada Life Schience Maurya Colony, Behind Shiv Mandir, East of Biscoman Colony, Patna-7 and Dhanmati Ambika Agency, B-1, Mahima Palace, Govind Mitra Road, P.S- Pirbahore, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Niren Son Of Sri Mahendra Prasad R/O- 31/15, Dr. C.P. Thakur Road, New Punaichak, P.S. Shastrinagar, District- Patna-800023

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Irshad, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-08-2023 Heard learned counsel for the petitioner, learned senior counsel for the complainant and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406/420 of the Indian Penal Code.

3. The prosecution case in brief is that the complainant has filed a complaint on 21.02.2022 in which he



has stated that he was doing job in shipping company in Patna and came in contact with accused through common friend. The accused Shailendra Kishore disclosed that he is the proprietor of a pharmaceutical company. The complainant's wife and mother were under the treatment of doctor hence he is in need to purchase costly medicines. Both complainant and petitioner came closer and on the request of petitioner the complainant gave rupees one lac and rupees two lacs in December, 2016 and December, 2017. Thereafter, the petitioner disclosed that he has decided to float a Pharma Company and on the request of petitioner the complainant became ready to invest in the said business. The complainant has already invested Rs.16,00,000/-. The petitioner did not give a single penny from the said company. The complainant was in urgent need of money in January, 2021 since his mother was advised by the doctors for liver biopsy at New Delhi and his eldest daughter was diagnosed with cancer. He requested for return of his share but on some pretext or others the petitioner did not return the money.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. Petitioner has criminal antecedents as mentioned in para-3 of



this application and supplementary affidavit. The learned counsel for the petitioner submits that there is partnership business between the petitioner and the complainant and during the pandemic the said business fell in loss. Allegation against the petitioner is that he took Rs.16,00,000/- lacs but did not return the said amount to the company. Learned counsel for the petitioner fairly submitted that petitioner is ready to deposit rupees eight lacs before the Court which will be the subject of the final outcome of the present case.

5. The learned counsel for the Opposite Party No.2 does not oppose the aforesaid contention.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Complaint Case No. 2074(C) of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. Learned Court-below is directed to accept the bail



bond of the petitioner after showing the receipt of deposit of
Rs.8,00,000/- in the Nazarat.

(Anjani Kumar Sharan, J)

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