

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47641 of 2023

Arising Out of PS. Case No.-560 Year-2021 Thana- DANAPUR District- Patna

Rakesh Kumar Shrivastava, Son of Late Bali Ramprasad Shrivastava @ Late Balram Prasad Shrivastava, Resident of Village- Tikaita, P.S.- Turkauliya, Dist- East Champaran.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 08-09-2023 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period of four weeks from today.

3. The petitioner seeks bail in connection with Danapur P.S. Case No. 560 of 2021 registered for the offence under Sections 409, 420 of the Indian Penal Code.

4. The accused/petitioner is named in the F.I.R. and is in custody since 13.06.2022.

5. The allegation against the petitioner is to cheat informant for Rs. 5,05,000/- on instance of providing T.V. show room and other business activities.

6. Learned Counsel appearing on behalf of the petitioner submitted that the petitioner was business partner of



informant and they were working together in M/s Nexus Trading Counseling and M/s Bapu Dham Trading, where some investment was made by informant being a partner but during Covid-19 period both firms were closed and, thereafter, partnership disputes surfaced between them. It is submitted that this is not a case of cheating, rather a partnership dispute. It is further pointed out that with similar set of allegation, petitioner was named in five more cases, where he is on bail in four cases. It is also pointed out that despite of the knowledge of this case, police intentionally remanded this petitioner on 13.06.2022 in present case. While concluding the argument, it is submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above as dispute appears out of business activities, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 13.06.2022, accordingly, petitioner above named, is directed to be released on bail in connection with Danapur P.S. Case No. 560 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with



two sureties of the like amount each to the satisfaction of learned A.C.J.M., Danapur/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further conditions:-

(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J)

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