

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56372 of 2023

Arising Out of PS. Case No.-545 Year-2020 Thana- BUXAR District- Buxar

SUNIL KUMAR Son of Balwant Ram @ Balwant Rai Resident of Patel Nagar, Barkherwa, P.S.- Kotwali Sadar, District - Lakhimpur Khiri (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikramdeo Singh, Advocate

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 30-08-2023 Heard Mr. Vikramdeo Singh, learned counsel for the petitioner and the State.

The petitioner is in judicial custody in connection with Buxar (Town) P.S. Case No. 545 of 2020 for the offence punishable under Sections 406, 420, 467, 468, 471 and 120(B) of the Indian Penal Code lodged on 12.12.2020 by the informant, Radha Ram Singh.

As per the prosecution story, the allegation is that by alluring the informant and making him Director, altogether Rs. 8,23,00,000/- were taken by the accused persons. As the said Company created by the accused did not give any return to him. He sent legal notice, followed by the FIR.

It is the case of the petitioner that he himself was an employee and was paid Rs. 30,000/- per month. He was there only to check the Company's account and had nothing to do



with the alleged role of the Chief Managing Director and the Managing Director namely Harinam Singh and Sharad Kumar.

The further submission is that the said Chief Managing Director has since been granted bail in Cr. Misc. No. 22518 of 2022 by a coordinate bench of this Court on 11.1.2023 (Annexure-4 to the petition). The last contention is that the petitioner is in custody since 19.10.2022 (para-18 of the petition).

Learned APP opposes the prayer stating that the informant has been cheated of Rs. 8,23,00,000/-.

Though, prima facie, it appears that the Company has cheated the informant, since the Chief Managing Director has been granted bail, as stated above, the petitioner has remained in custody for more than three years, taking into account the said facts, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, -1st Class, Court No. 14, Buxar, in connection with Buxar (Town) P.S. Case No. 545 of 2020 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 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 next 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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