

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69526 of 2022

Arising Out of PS. Case No.-55 Year-2022 Thana- BEGUSARAI TOWN District- Begusarai

Sunil Singh @ Prabhakar @ Prabhakar Pandey S/O Surendra Nath Pandey
Resident of village- Sakari, P.S.- Gagha, District- Gorakhpur. (wrongly
mentioned in the FIR as son of Triloki Singh).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Rashmi Sharma, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 21-03-2023 Let the defects, if any, pointed out by the office be removed within four weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Begusarai Town P.S. Case No. 55 of 2022 registered for the offences punishable under Sections 420, 406 and 34 of the Indian Penal Code.

As per the prosecution, the informant alleged that this petitioner alongwith co-accused persons cheated on the informant and took a sum of Rs. 9,53,000/- from him by convincing the informant to invest his money in their company

named Green Bio-Technology. Further it is alleged that the accused persons have also cheated on several other persons.

The main submissions advanced by learned counsel for petitioner are that the petitioner has been wrongly arrested in connection with the present matter, his name is Sunil Singh @ Prabhakar @ Prabhakar Pandey, son of Surendra Nath Pandey and he is resident of village Sakari, PS Gagha of Gorakhpur District and as per the typed FIR one person namely Sunil Singh son of Triloki Singh, resident of village Keshavpur, PO Rajepur of Jaunpur District (Uttar Pradesh) has been named as one of the accused but during investigation the police wrongly arrested the petitioner on account of his name being similar to named accused and wrongly showed him as named accused. Further submissions are that though the petitioner had been working with the Green Earth Bio-Technology company but he has studied upto 8th standard so the allegations levelled in the FIR are not believable in connection with the petitioner and as per the allegation the informant and others deposited a sum of rupees 9,53,000/- (Nine lakh and fifty-three thousand) in the alleged company but during investigation not a single chit of paper was submitted by the prosecution party before the Investigating Officer and the petitioner runs a furniture shop at

Gorakhpur Road, Deoria with his brother. Further submission is that petitioner has been languishing in jail since 28.08.2022 and the offences alleged in the FIR are triable by the Court of Magistrate and against him the investigation has been completed.

Learned APP for the State has opposed the bail prayer.

In view of the facts, as stated above, the petitioner deserves to the privilege of bail. Accordingly, let the petitioner named above be enlarged on bail **after framing of charge, if the same has not been framed**, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Begusarai Town P.S. Case No. 55 of 2022.

Further on this condition that both the bailers shall be the local residents within the jurisdiction of the Court concerned.

(Shailendra Singh, J)

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