

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8991 of 2023

Arising Out of PS. Case No.-696 Year-2020 Thana- DANAPUR District- Patna

Rakesh Kumar Shrivastava S/o Late Bali Ram Prasad Shrivastava @ Late Sachidanand Prasad @ Late Udhaw Lal R/o village- Tikaita, P.S.- Turkauliya, Distt- East Chamaparan at present Resident of Nexes Trading Counsiling, Gopi Tower 5th Floor, Room No. 501, Saguna More, P.S.- Danapur, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava, Adv.
For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

10 21-02-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with

Danapur P.S. Case No. 696 of 2020 instituted for the

offences under Sections 406, 409, 420 of the Indian Penal

Code and Section 138 of the N.I. Act.

3. As per prosecution case, the petitioner had

opened a Company in which the Informant deposited an

amount of Rs. 2,18,00,000/- on the promise of doubling the

amount within a period of sixty working days but, the

Informant received only a amount of Rs. 50,00,000/- from



the Company and the rest principal amount as well as interest amount has not been returned by the petitioner company.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He further submits that the petitioner was initially arrested in Bhabhua P.S. Case No. 582 of 2020 on 27.07.2021 and, thereafter, on 09.05.2022, the petitioner has been remanded in the present case and since then, he is in custody. He further submits that the petitioner has been granted bail in Bhabhua P.S. Case No. 582 of 2020 by a Co-ordinate Bench of this Court vide order dated 16.11.2022 passed in Cr. Misc. No. 71477 of 2021. He further submits that no case is made out under Section 406, 409 and 420 of the I.P.C. as well as Section 138 of the N.I. Act is also not made against the petitioner. Charge-sheet has been submitted and the charge has also been framed. The petitioner has six criminal antecedents as has been stated in paragraph no.3 of the present bail application.

5. Learned A.P.P. for the State has vehemently



opposed the prayer for grant of bail to the petitioner.

6. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Danapur P.S. Case No. 696 of 2020.

(Rudra Prakash Mishra, J)

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