

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10990 of 2024

Arising Out of PS. Case No.-416 Year-2023 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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Ujjawal Sharma Son Of Arun Sharma Resident Of Village- Pipradih, Po And
Ps- Chandrapura, Dist- Bokaro, Jharkhand

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Kamlesh Kumar Son Of Shuresh Pandey Resident Of Village- Pandey
Parsawa, Ps- Magadh, Medical, Dist- Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

6 28-08-2024 Heard learned counsel for the petitioner, learned
counsel for the informant as well as Mr. Shailendra Kumar,
learned APP for the State.

2. In this case, the petitioner is seeking regular bail in
connection with Magadh Medical P.S. Case No. 416 of 2023,
registered for the offences punishable under Sections 406, 419,
420, 465, 467, 468 and 471 of IPC.

3. Informant Kamlesh Kumar makes allegation that
he along with two persons opened a company which was
registered and named as Subh Gharana. Subodh Kumar and
Sudhanshu Kumar were also in Board of Directors of the
company. As per allegation, the petitioner assured to provide



some works of L&T to the company. After sometime, he advised the informant to create another company named as Parsama Pvt. Ltd., which was also registered. The petitioner duped huge amount from the informant at the pretext to supply of material, equipment, machinery etc. The informant transferred the amount in the bank account of the petitioner and his wife. Thereafter, the petitioner on false misrepresentation apprised the informant that his company has been blacklisted and he misappropriated the amount given by the informant.

4. Learned counsel for the petitioner submits that the petitioner has already given Rs. 53,00,000/- on 10.04.2023 and Rs 94,00,000/- on 10.10.2022 to the informant. The xerox copy of the receiving on the letterhead of the company is annexed as Annexure-2 at Page 17 and 18 to which the learned counsel for the informant replies that the informant had given blank signed letterheads to the petitioner and he filled amounts on those blank document and thereby, the petitioner committed cheating.

5. Learned counsel for the informant submits that while making prayer for bail before the lower court, the petitioner did not annex the second letterhead dated 10.10.2022 which contains the amount of Rs. 94,00,000/-. It has also been submitted that on one letterhead, a number of entries of receiving of money have been mentioned.



6. On the other hand, learned APP, Mr. Shailendra Kumar has though opposed the prayer for bail but fairly admits that the informant did not mention the fact in the FIR that these valuable documents have been given to the petitioner by the informant after making his signature on those papers. It has also not been disclosed to the investigating authorities during the course of investigation.

7. It is an admitted fact that the factum of handing over of blank signed letterheads to the petitioner was not mentioned in the FIR, nor it has been brought in the notice of the investigating authorities during the course of investigation.

8. Considering the above-mentioned facts and circumstances, the petitioner, above-named, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned A.C.J.M. II Gaya in connection with Magadh Medical P.S. Case No. 416 of 2023, subject to the following condition:-

The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(Nawneet Kumar Pandey, J)

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