

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15860 of 2023

Arising Out of PS. Case No.-185 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Rakesh Kumar Shrivastava, Son of Late Bali Ram Prasad Shrivastava @ Late Sachidanand Prasad @ Late Udhaw Lal, R/o- Tiakaita, P.S.- Turkauliya, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajesh Kumar Yadav, Son of Ram Pujan Yadav, R/o- Raghu Pur, P.O.- Sonpura, P.S.- Udwant Nagar, District- Bhojpur (Ara, PIN- 802206)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Vijay Shankar Shrivastava, Advocate
For the Informant/s	:	Mr. Shubham Kumar, Advocate
		Mr. Bindeshwar Kumar, Advocate
		Mr. Pramod Kumar Poddar, Advocate
For the Opposite Party/s :		Mr. Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

9 22-02-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner seeks bail in Complaint Case No. 185C of 2022, instituted for the offences punishable under Sections 420, 406, 467, 34 of the Indian Penal Code and Section 138 of the N.I. Act.

3. The prosecution case, in short, is that, the petitioner who was the C.M.D of Nexus Trading Counseling Company took Rs. 34,75,000/- from the complainant in the name of investment and promised that the money would be returned



within six months and also gave a cheque for the amount taken as guarantee. After the period of six months, when the money invested was demanded, petitioner started procrastinating and when the cheque given as guarantee were presented in the bank, they got dishonored due to lack of funds.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. No occurrence as alleged has ever taken place. As a matter of fact, the complainant was one of the partner of the company in which he invested his money. During lock-down, the trading of the company was closed and as such dispute arose. Although the petitioner has almost returned the money to his partners including the complainant but still the complainant has lodged the present case. The petitioner has six criminal antecedents as has been stated in paragraph no. 3 of the present bail application in which the petitioner is on bail in one case. The petitioner has been remanded in this case from Bhabhua P.S. Case No. 582 of 2020 on 05.05.2022.

5. Learned APP for the State and learned counsel for the informant has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances



of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Complaint Case No. 185C of 2022.

(Rudra Prakash Mishra, J)

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