

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80746 of 2023

Arising Out of PS. Case No.-46 Year-2019 Thana- GANDHIMAIDAN District- Patna

Shashi Shekhar @ Sashi Shekhar, aged about 42 years, Male, S/O Late Raghuvir Prasad, R/O Mohalla- Kankarbagh Colony, Makan No. 656 Se Samne, P.S- Kankarbagh, Distt.- Patna.

... .. Petitioner

Versus

1. The State of Bihar.
2. Manish Kumar Sharma, S/O Late Rajeshwar Maharaj, resident of village-506, Hari Om Complex, Exhibition Road, P.S. Gandhi Maidan, District-Patna.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Ranjay Kumar Singh, Advocate
For the State	:	Mr. Md. Ataur Rahman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 30-04-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Gandhi Maidan P.S. Case No. 46 of 2019 dated 18.01.2019 registered for the offences punishable under Sections 406, 420/34 of the I.P.C. and Section 138 of the N.I. Act.

3. As per the prosecution case, the informant entered into a partnership deed with the petitioner and the co-accused persons, Rohit Kumar and Rakesh Yadav for construction of a project. During the course of construction, the accused persons including the petitioner misappropriated Rs. 12,00,000/-. It has further been alleged that when the money was asked, they



threatened to kill them. The informant is in debt because of the accused persons and the petitioner. The petitioner had also given a cheque for Rs. 2,00,000/- which got bounced.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that as per the terms of the partnership deed between the parties (paragraph no. 8 of the said deed), the petitioner has invested Rs. 18,00,000/- in the ongoing project, namely, Krishna Enclave and when started taking booking from the customers for the flats in the same project, the informant obstructed the petitioner and prohibited not to take booking which is completely violation of partnership deed (paragraph no. 9 of the said deed) and due to that differences arose between the parties, the present false case has been lodged. It is further submitted that the allegation of taking amount in the name of payments to labourers and for material but not paid them is completely false. As per the said partnership deed itself, all the payments either to the labourers or materials was given on every Saturday in presence of all the parties and their accountants which was supported by bill and vouchers (paragraph no. 12 of the partnership deed), so, there is no question of taking payment in the name of bills and vouchers but not paid to them. It is a



case of civil dispute. The petitioner has eleven criminal antecedents and in seven cases, he is on bail as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 09.04.2021.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-XIV, Patna in connection with Gandhi Maidan P.S. Case No. 46 of 2019 with further conditions:-

(i) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

(ii) If the petitioner is found involved in any other similar nature of case in future, the prosecution will have liberty to move for



cancellation of his bail bonds.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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