

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70638 of 2024

Arising Out of PS. Case No.-355 Year-2019 Thana- KANKARBAG District- Patna

Shashi Shekhar S/o Late Raghubir Prasad R/o vill - F/656, P.C. Colony,
Kankarbagh, P.s. - Kankarbagh, Distt. - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Surendra Sah S/o Late Ram Pratap Sah R/o Satish Residency, Flat no 202,
Road No. 3H, New Patliputra Colony, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjay Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Shahabuddin Azeem @ S. Azeem, APP
For the Informant	:	Mr. Rajeev Kumar Ambastha, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

6 24-03-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner seeks bail in connection with
Kankarbagh P.S. Case No. 355 of 2019 instituted for the
offences under Sections 420, 406/34 of the Indian Penal Code.

3. Earlier vide order dated 18.01.2024 passed in Cr.
Misc. No. 40908 of 2023, the prayer for grant of bail to the
petitioner was rejected. The present is the second attempt of the
petitioner for grant of bail.

3. Prosecution case, in short, is that informant entered
into an agreement with the petitioner, who is Managing Director
of Gharaunda Construction Pvt. Ltd., to purchase a flat in the



name of his wife. The informant paid Rs. 7,22,000/- through three cheques but in spite of several requests, possession of flat was not given to the informant. It is further alleged that petitioner returned Rs. 1,00,000/- to the informant but, thereafter, neither he returned the rest amount nor he gave the possession of the said flat to the informant.

4. Learned counsel for the petitioner submits that earlier vide order dated 18.01.2024 passed in Cr. Misc. No. 40908 of 2023, the prayer for grant of bail was rejected by a coordinate Bench of this Court. Learned counsel for the petitioner prays that prayer for grant of bail to the petitioner may be considered as the petitioner is ready to return the disputed amount to the informant. Learned counsel further submits that the total disputed amount is Rs. 7,22,000/-, and out of which he has returned Rs. 1,00,000/- to the informant and petitioner is ready to return the remaining amount to the informant in two installments within three months, if released on bail.

5. Learned A.P.P. for the State and learned counsel for the informant do not oppose the prayer of the petitioner for grant of bail as the petitioner is ready to return the disputed amount to the informant.

6. Considering the undertaking given by the petitioner



that he is willing to return the disputed amount to the informant as also 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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kankarbagh P.S. Case No. 355 of 2019, subject to the following conditions:

(I) Petitioner shall return the remaining disputed amount, i.e. Rs. 6,22,000/-, in the account of the informant in two installments within three months after his release on bail.

(II) One of the bailors shall be own/close member of the family of the petitioner.

(III) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(IV) In case the petitioner fails to return the aforesaid amount, i.e. Rs. 6,22,000/- to the informant, the informant will have liberty to cancel the bail bonds of the petitioner.

8. It goes without saying that the aforesaid amount to be returned by the petitioner shall be subject to the final



outcome of the trial case.

(Rudra Prakash Mishra, J)

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