

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74130 of 2024

Arising Out of PS. Case No.-106 Year-2018 Thana- SHRIKRISHNAPURI District- Patna

Shashi Shekhar S/o- Late Raghubir Prasad Moh- Kankarbagh, F565, Ps-
Kankarbagh, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 21-02-2025 1. Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The present petition has been filed for grant of
regular bail in connection with S.K. Puri P.S. Case No. 106 of
2018, registered for offences punishable under Sections 406 and
420 of the Indian Penal Code.

3. The allegation is regarding the informants having
paid a sum of Rs.15,49,350/- to Dharonda Construction Pvt.
Ltd. for the purposes of purchasing flat. It is alleged that the
petitioner is the Managing Director of the said firm, while the
other Director is one Chandrashekhar, who is also co-accused in
the present case. It is further alleged that though the petitioner
had paid the money long back in the year, 2014-15, however till
date, neither the money has been returned nor the possession of



the flat has been given to the informant.

4. The learned counsel for the petitioner submits that his brother Chandrashekhar has already deposited a sum of Rs.5,00,000/- before the Ld. Trial Court and the petitioner, while he was granted provisional bail had also deposited a sum of Rs.5,00,000/-, thus, a total sum of Rs.10,00,000/- has already stood deposited out of the total amount of Rs.15,49,350/-, as has also stood recorded in the impugned order dated 01.12.2023, passed by the Ld. Court of Additional Session Judge-IX, Patna. The learned counsel for the petitioner has further submitted that though the petitioner is an accused in 11 other cases, however he is on bail in 10 of them. It is next contended that though the petitioner was allowed provisional regular bail in the present case, vide order dated 06.08.2018, by the Ld. Court of ACJM, Patna on the condition that he will pay 5 lacs at the time of furnishing bail bonds and rest amount will be paid in installment but on account of payment of only a sum of Rs.5 lacs at the time of furnishing of bail bonds and non-payment of rest of the amount in installment, the Ld. Trial Court had subsequently, cancelled the bail bond of the petitioner, whereafter he had surrendered before the Ld. Trial Court on 04.10.2021 and since then he is languishing in custody. Thus, it is submitted that



considering the period of incarceration, the petitioner be granted the privilege of bail.

5. Per contra, the learned counsel for the informant and the learned A.P.P. for the State have vehemently opposed the prayer for bail.

6. I have heard the learned counsel for the parties and perused the materials on record. This Court had called for a report from the Ld. Trial Court with regard to the present stage of trial and the time likely to be consumed for conclusion of the same, whereafter, a report dated 20.01.2025 has been sent to this Court by the Ld. Court of Additional Chief Judicial Magistrate, IVth Patna, wherein, he has stated that till date not even a single witness has been examined. This Court further finds that out of the total amount of Rs.15,49,350/-, deposited by the informant with the firm of the petitioner, admittedly a sum of Rs.10 lacs has stood deposited before the Ld. Trial Court. This Court further finds that the petitioner has been languishing in custody since about 3 ½ years, hence it would not be in the interest of justice to detain him any further. In such view of the matter, this Court deems it fit and proper to grant the privilege of regular bail to the petitioner, however subject to certain conditions.

7. Accordingly, the above named petitioner is directed



to be enlarged 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 learned Additional Chief Judicial Magistrate, Patna in connection with S.K. Puri P.S. Case No. 106 of 2018.

8. It is further directed that the petitioner shall appear before the Ld. Trial Court in the ongoing trial on each and every date and in the event of his failure to appear before the Ld. Trial Court on two consecutive occasions, the present privilege of bail being granted to the petitioner, shall stand cancelled and the petitioner shall be liable to be taken into custody forthwith.

(Mohit Kumar Shah, J)

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