

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88120 of 2024

Arising Out of PS. Case No.-545 Year-2020 Thana- BUXAR District- Buxar

Sharad Kumar @ Sharad Kumar Prasad S/O Mishri Lal R/o- Mohalla
Shrinangar Colony Aanshik Ismillepure, Distt.-Sitapur, Uttar Pradesh.
Permanent R/o- Village-Bishwakhurd, P.S.- Tambaur, Distt.-Sitapur (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Kumar Amit, Advocate
For the State	:	Mr. Bharat Bhushan, APP
For the Informant	:	Mr. Parijat Saurav, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-02-2025 Heard Mr. Yogesh Chandra Verma, learned Senior

Counsel for the petitioner and Mr. Parijat Saurav, learned

counsel for the informant as also Mr. Bharat Bhushan, learned

APP for the State.

2. The petitioner is in judicial custody in connection
with Buxar Town P.S. Case No. 545 of 2020 for the offence
punishable under Sections 406, 420, 467, 468, 471 & 120(B) of
the Indian Penal Code lodged on 12.12.2020 by the informant,
Rajaram Singh.

3. As per the prosecution story, the allegation is that
by alluring the informant and making him Director, altogether
Rs. 8,23,00,000/- were taken by the accused persons. As the said



Company created by the accused did not give any return to him.

He sent legal notice, followed the FIR.

4. Learned Senior Counsel for the petitioner submits that he was simply a Manager of the Company with the salary of 50,000/- per month little realizing that he is getting involved in a racket relating to siphoning of the money. He shall be facing the trial, now that the FIR is there, remained in custody since 12.11.2022 and two other co-accused Harinath Singh Yadav(Cr. Misc. No. 22518 of 2022) and Sunil Kumar (Cr. Misc. No. 56372 of 2023) have been extended relief. If granted relief, he shall be diligently appearing in trial without fail.

5. Learned counsel for the informant opposes the prayer submitting that he alongwith the other co-accused has siphoned of Rs. 8,23,00,000/-.

6. Learned APP also opposes the prayer stating that the informant has been cheated of Rs. 8.23,00,000/-

7. It is unfortunate that at the drop of hat, Companies are being created which siphons of hard earned money of the common citizen who just with the greed of getting more profit than that from the Nationalized Bank/fixed deposit get trapped. However, in this case, three accused are named mainly who are Harinath Singh Yadav, Sunil Kumar and this petitioner, Sharad



Kumar. On the ground of their custody period, Sunil Kumar and Harinath Singh Yadav have been granted bail and in that background, the petitioner cannot be singled out.

8. Considering the aforesaid facts that the Company has cheated the informant, since the Chief Managing Director has been granted bail, the petitioner has remained in jail since 12.11.2022, this Court is inclined to extend him the privilege of bail with conditions.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, First Class, Court No. 12, Buxar, in connection with Buxar Town P.S. Case No. 545 of 2020 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned



police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

