

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56618 of 2017

Arising Out of PS.Case No. -268 Year- 2016 Thana -LAHERIMUHALLA District- NALANDA
(BIHARSHARIFF)

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Shishir Srivastav @ Bittu S/o Sudhakar Srivastav, R/o House No.-41, Ward
No.7 near Bus Stand Tamkuri Road Kushinagar, P.S.- Kushinagar, District-
Kushi Nagar (U.P.).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate.
Mr. Ajay Mukherjee
For the Opposite Party/s : Mr. Sri Tarkeshwar Nath Thakur

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 30-11-2017 Heard the counsels for the parties.

The petitioner seeks bail in connection with Laheri
P.S. Case No. 268 of 2016 dated 21.09.2016 instituted for the
offences under Sections 406, 420 and 34 of the Indian Penal Code.

The informant of this case has alleged that despite
having paid Rs. 11,96,000/- for allotment of a flat, neither the flat
has been allotted to her family members nor the money has been
returned. The petitioner is shown in the FIR as the Managing
Director of Avni Enggcom Developers Private Limited.

Learned counsel appearing on behalf of the petitioner
has submitted that the company is owned by one Rahul Raj and
the petitioner was kept in employment by the management of the



company. In fact, on an assurance of the owners of the company of being given good returns for his work, the petitioner has invested Rs. 25 lakhs in the company and therefore he himself has been cheated by the owners of the company. Many investors in the company who were desirous of purchasing flats have lodged cases against the company and he too has been made accused in such cases; the details of such cases have been provided in para-3 to the bail petition. In the present case, the petitioner was remanded from another case lodged by one of the investors/prospective purchasers of the flats.

The petitioner is in custody since 24.05.2017.

Learned counsel for the informant has stated that the petitioner belongs to Kushinagar in the State of Uttar Pradesh and only in order to cheat people in the State of Bihar, he has opened the company under the name and style of Avni Enggcom Developers Private Limited. He has also submitted that the petitioner is not an employee of the company rather is the promoter and the Managing Director of the company and is solely responsible for cheating the investors.

Taking into account the fact that many cases have been lodged against the company and the petitioner and the fact that the petitioner also stands cheated by the management of the



company, this Court is inclined to grant bail to him but subject to certain conditions.

In the facts and circumstances, the petitioner above named is directed to be released on bail on his furnishing bail bond in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-1, Nalanda at Biharsharif in connection with Laheri P.S. Case No. 268 of 2016.

At the time of furnishing of his bonds, the petitioner shall tender his passport, if at all he is holder of the same, before the concerned court. The petitioner shall not leave the territorial confines of the State of Bihar and would get his presence marked at the concerned police station by the officer-in-charge every week, preferably on Mondays between 10 to 11 am. The petitioner shall, under no circumstances, go out of the State of Bihar without seeking permission from the court below and informing the officer-in-charge of the concerned police station. In case any one of the conditions enumerated above is breached, it would be open for the state to proceed for the cancellation of the bail granted to him.

(Ashutosh Kumar, J)

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