

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29338 of 2014

Arising Out of PS.Case No. -172 Year- 2010 Thana -HAJIPUR District- SIWAN

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1. Mahesh Kumar Rai S/o Akshay Lal Rai Resident of Village Sheetal
Makurhar, P.S. Sarai, District Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Jain

For the Opposite Party/s : Mr. B.N.Pandey(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

4 12-01-2015 Heard the parties.

This is an application for anticipatory bail for the
offence punishable under sections 420, 406 and 504/34 I.P.C.

Allegedly, the petitioner took Rs. 1,00,000/- from the
complainant on the ground to provide job in the Railway/ Bank
within two or three months but the informant did not get any job
within the stipulated period and when the informant demanded the
money he did not return the same.

Submission is of false implication and further that the
account number which is given in which it is alleged that the
amount of Rs. 20,000/- or 30,000/- were deposited is not of the
petitioner. The learned A.P.P. opposes the prayer for bail.

Considering that the petitioner has himself entered

into an illegal agreement and gave the amount at his own risk and as such under the principle of paridelicto, the petitioner Mahesh Kumar Rai, in case of his arrest or surrender before the court below within two months, shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Vaishali at Hajipur in Hajipur Town P.S. case No. 172 of 2010, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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