

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41803 of 2014

Arising Out of PS.Case No. -167 Year- 2008 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

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1. Sharwan Kumar Son of Late Lakhan Mahto Resident of Village- Ben,
P.S.- Ben, District- Nalanda

.... Petitioner/s

Versus

1. The State of Bihar
2. Jhulan Prasad, son of Late Dahu Mahto, resident of village Baswan
Bigha, P.S. Silao (Ben), District-Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Prasad, Advocate

For the Opposite Party/s : Mr. Ram Chandra Sahni (APP)

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

4 23-07-2015 On a private complaint submitted by the 2nd

respondent herein, the Chief Judicial Magistrate, Nalanda,

registered Complaint Case No.167 C of 2008 against the

petitioner alleging offence punishable under Sections 420, 406,

468 & 471 of the Indian Penal Code.

Apprehending his arrest, the petitioner filed ABP

No.1122 of 2014 in the Court of Sessions Judge, Nalanda,

Biharsharif. The same was rejected on 11.09.2014. Hence, this

application under Section 438 (2) Cr. P.C.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The complainant stated that he paid Rs.50,000/- to

the petitioner herein for the purpose of providing employment to

his son and daughter. It is not even alleged that the petitioner is an employment agency. The truth or otherwise of the allegation needs to be examined at the trial. The allegation is not so serious that the arrest of the petitioner is essential.

Therefore, the application is allowed. In the event of arrest, the petitioner is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Smt. Sulekha Jha, learned Judicial Magistrate 1st Class, Biharsharif, Nalanda in connection with Complaint Case No.167C/08, subject to the conditions as laid down under Section 438(2) Cr. P.C.

(L. Narasimha Reddy, CJ)

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