

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38278 of 2016

Arising Out of PS.Case No. -214 Year- 2016 Thana -LAKHISARAI District- LAKHISARAI

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Shyam Prasad Gupta, Son of late Krishna Gopal Gupta@Late Krishna Gopal, Resident of Mohalla- Purani bazar, Ward no. 11, Lakhisarai, District Lakhisarai. Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Shyamal Prakash, Advocate

For the Opposite Party : Mr. Sri Kumar Virendra Narayan (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 30-09-2016

Heard learned counsel for the petitioner and the

learned counsel representing the State.

The petitioner seeks bail in connection with Lakhisarai (Kabya) P.S Case No. 214 of 2016 registered for the offences punishable under Sections 406, 419, 420, 467, 468, 470, 471 of the Indian Penal Code.

Allegedly, the petitioner took Rs. 60,000/- from each candidate to provide job in Railway Grade- 'D' post and joining letter was also given and in this way, he cheated four persons, but the joining letter were found forged and then the petitioner was apprehended and handed over to the police.

Submission is of false implication and that it is not believable that petitioner will give assurance to provide job with unknown person. Prosecution story appears not probable and reliable, giving bribe is also an offence and the prosecution suffers

from *pari delicto*.

Learned A.P.P. opposes the prayer of bail by submitting that from possession of the petitioner also some incriminating articles were recovered which goes to show that he is involved in such crime.

In the facts and circumstances stated above, considering that the chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai, in connection with Lakhisarai (Kabya) P.S. Case No. 214 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

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