

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31109 of 2016

Arising Out of PS.Case No. -2468 Year- 2008 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Pradeep Kumar Sinha son of Sri Prashant Kumar Sinha Resident of Village- Malti, P.S.- Asthawa, District- Nalanda.
 2. Arbind Kumar son of Sitaram Paswan resident of Village- Rakar, P.O.+P.S.- Chewara, District- Shekhpura, at present posted Preventive Officer, New Custom House, Marma Goa (Harbour), District- Goa.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ram Lakhan Paswan son of Late Shiyaram Paswan Resident of Mohalla- Salimpur Ahra Gali No.1 (Krishna Bihar Colony), P.S. Gandhi Maidan, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kr Singh No.1

For the Opposite Party/s : Mr. M.Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 23-08-2016 Heard learned counsel for the petitioner and Mr. M.
Dayal APP for the State.

The two petitioners herein are cited accuseds of complaint case bearing no. 2468(c) of 2008, registered under Sections 420/34 of the IPC.

On an assurance given by the accuseds, it is alleged the complainant managed to get more than three lacs of Rupees and paid to the petitioners for job. Neither the job was offered nor the amount was paid. It is alleged that the accused persons taking advantage of their close proximity cheated him.

Contention of the petitioners is that there is no documentary proof of the payment of the amount to the petitioners by the complainant. The manner in which the complainant is said to have obtained the money is also doubtful.

Learned APP, on the other hand, while opposing the anticipatory bail application has submitted that the learned Sessions Judge has noted that considering the close relationship between the parties, it was not unnatural on the part of the complainant to pay to the accuseds without obtaining a receipt. That apart, the case was lodged in 2008 wherein the cognizance was taken whereas the application for anticipatory bail was preferred by the petitioners in 2016. In the eye of law, the accused persons are absconder(s).

Be that as it may, considering the facts and circumstances of the case, I am not persuaded to extend the privilege of anticipatory bail to the petitioners. Prayer is, accordingly, rejected.

(Kishore Kumar Mandal, J)

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