

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48921 of 2016

Arising Out of PS.Case No. -51 Year- 2016 Thana -NAYAGAON District- SARAN

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1. DEVENDRA THAKUR @ DEVENDRA KUMAR THAKUR S/o Sheo
Shankar Thakur, resident of village- Dhobi Mahi, P.O.- Karhari, P.S.-
Laukahi, District- Madhubani Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner : Mr. Ratanakar Jha, Adv.

For the State : Mr. Pawan Kumar Chaurasiya, APP 117

For the informant : Mr. Devendra Narain Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 22-12-2016 Heard the learned counsel for the petitioner and the
State.

This is a petition for grant of anticipatory bail for
offence under Sections 420, 406, 504 and 120B of the Indian
Penal Code.

The complainant and the witnesses on persuasion of
the other named accused person agreed to pay money to the
accused person, including the petitioner, for managing
Government job of Relationship Manager in the State Bank of
India. The appointment letters issued by the accused person were
found to be forged.

Submission of the petitioner is that the petitioner is
Colonel in the Army. He had taken loan from the complainant of
Rs.65,000/- and had returned Rs.25,000/- by depositing the
amount in the bank account of the complainant on 12.07.2016 and,
thereafter refunded Rs.30,000/- for which receipt was granted.
The petitioner is ready to pay the remaining amount of Rs.10,000/-
before furnishing of the bail bond.

Next submission is that even if the prosecution



allegation is assumed to be correct, the complainant himself indulged deliberately in getting back door entry in the Government job paying bribe money to the accused person. Therefore, the complainant is not entitled to get any protection under the law.

On the other hand, learned counsel for the complainant submits that the given amount is still due with the petitioner as per instruction of the client.

Even if it is assumed that the given amount is due, the complainant can not recover the same through civil process as money of illegal gratification can not be recovered by process of law.

Considering the aforesaid fact, the petitioner, above named, in the event of his arrest or surrender, within six weeks from the date of receipt of this order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with **Nayagaon P.S. Case No. 51 of 2016** to the satisfaction of the **Chief Judicial Magistrate, V, Saran**, or successor Court, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

(Birendra Kumar, J)

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