

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10540 of 2016

Arising Out of PS.Case No. -388 Year- 2015 Thana -EAST CHAMPARAN COMPLAINT District-
EAST CHAMPARAN(MOTIHARI)

VIMAL BENJAMIN, S/o Late Noel Benjamin, resident of village-
Muriyaro, P.s.- Angarghat, District- Samastipur.

.... Petitioner

Versus

- 1.The State of Bihar.
- 2. Manoj Kumar, S/O Jay Narayan Prasad, resident of village- Balwa, P.S.-
Chiraiya, Distt. East Champaran.

.... Opposite Parties

Appearance :

- For the Petitioner : Mr. Harendra Kumar Tiwary, Advocate.
- For the State : Mr. Pradip Narayan Kumar(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-04-2016 Heard learned counsels for the petitioner, complainant
and learned counsel for the State.

The petitioner is apprehending his arrest in connection
with Complaint Case No. 388(C) of 2015, Tr. No. 409 of 2015 for
the offences instituted under Sections 406, 420 and 468 of the IPC.

The prosecution story, in brief, is that the complainant
was a student of Aryabhutt Computer and Information Technology
and the petitioner also came to the Institute for his work. The
petitioner asked the complainant and the witnesses that he would
provide employment in Reliance Company for which the
petitioner and co-accused Sundarum Kumar received Rs. 60,000/-



per head as security on 01.10.2014. On 15.10.2014 the petitioner and co-accused gave a joining letter with an identity card to the complainant as community surveyor and issued an appointment letter alongwith forged identity card issued by Reliance Infrastructure Ltd., Mumbai. Later on, the petitioner and co-accused have absconded. On demand of security money, the petitioner and co-accused have refused to return the same.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner has been made accused in the present case due to mistake of fact. There is no substantive evidence to show the implication of the petitioner in the present case. It is further submitted that the petitioner is ready to deposit an amount of Rs. 20,000/- in the court below which may be released in favour of the complainant.

On behalf of the learned counsels for the complainant and the State it has been submitted that the petitioner is named in the complaint case and has committed a fraud with the complainant by giving a wrong assurance.

Considering the aforesaid facts and circumstances, it is directed that the petitioner shall deposit an amount of Rs. 20,000/- in the court below which shall be released in favour of the complainant and on doing so, let the petitioner above named, be

released on bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Complaint Case No. 388 (C) of 2015, Tr. No. 409 of 2015 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, East Champaran at Motihari, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

U		T	
---	--	---	--

(Sudhir Singh, J)