

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35469 of 2016

Arising Out of PS.Case No. -748 Year- 2015 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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Nand Kishore Yadav, son of Babulal Yadav, resident of Village- Rajghat,
P.S- Mirganj, District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar.
Mukesh Kumar Yadav, son of Mahatma Yadav, resident of Village-
Rajghat, P.S. Mirganj, District- Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Dubey
For the Opposite Party/s : Mr. Sri Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 17-09-2016 Heard the counsel for the petitioner and the

informant.

The case arises out of a complaint vide Complaint
Case No. 748 of 2015 registered under Sections 420, 406, 467,
468 of the Indian Penal Code alleging that on an assurance
given by the petitioner certain amount was given to him to
ensure that the ticket/visa are obtained and he is flown to
Abudhabi for a job. The petitioner after having received the
money provided certain paper(s) like visa and ticket which were
subsequently found forged when presented at the airport. The
complainant demanded the money for which assurance was

given but subsequently resiled.

Contention of the petitioner is that neither the forged ticket nor the documents provided by the petitioner has been produced. Out of animosity, the prosecution has been lodged. It is not the case that the amount was paid in presence of any witness. It is the concocted story of the complainant.

The counsel for the complainant produced the statement of the witnesses made under Section 202 of Cr.P.C. some of them have supported the prosecution case alleging that money was paid to the accused in his/their presence.

Looking to the nature of the allegation and other materials reflected from the record, in my view, it is not a fit case for grant of anticipatory bail. The prayer is rejected.

If the petitioner shall surrender and prays for regular bail, the same shall be considered and dispose of on its own merit unprejudiced by the present order.

(Kishore Kumar Mandal, J)

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