

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.41299 of 2016**

Arising Out of PS.Case No. -1486 Year- 2015 Thana -GAYA COMPLAINT CASE District- GAYA

- =====
1. Rajendra Prasad Sharma, s/o Late Ramautar Sharma
  2. Ashwini Kumar, s/o Rajendra Prasad Sharma, r/o moh – West Church Road Professor Colony, P.S. – Rampur, Distt - Gaya

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Satish Kumar s/o Late Subedar Sharma, R/o Moh – Horilganj P.S. – Town Jehanabad, Distt - Jehanabad

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Shivendra Prasad, Adv.

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR**  
**JHA**

**ORAL ORDER**

2      18-11-2016                      Heard both sides.

The petitioners apprehend their arrest in Complaint Case No. 1486/2015 Trial No. 1084/2016, registered for the offences punishable under Section 420 of the Indian Penal Code.

The gist of the allegation is that the petitioners persuaded the complainant and others to give money for providing job to them. The complainant alleged that on the assurance of Abhishek Kumar they deposited money in the account of one Shiv Shambhu Ram, but the complainant and others did not get any job.

Learned counsel for the petitioners submits that in the complaint petition it is alleged that the petitioners persuaded the complainant and others, but save and except oral assertion there is

nothing on record to show that the petitioners asked anybody to deposit money rather there is allegation against Abhishek Kumar that he asked the complainant and others to deposit money in the account of Shiv Shambhu Ram. Abhishek Kumar has already been enlarged on anticipatory bail.

Learned counsel for the complainant on other hand vehemently opposed the prayer for anticipatory bail of the petitioners, but on the face of the complaint petition it appears that the complainant wanted to get job through illegal means and he is said to have paid money in the account of Shiv Shambhu Ram on the assurance of Abhishek Kumar who has already been enlarged on anticipatory bail vide order passed in Cr. Misc. 44172/2016. Petitioners are father and brother of Abhishek Kumar. Indu Devi and Rakhi Devi wives of Rajendra Prasad Sharma and Ashwini Kumar petitioner no. 1 and petitioner no. 2 respectively. They are also arrayed as accused in the complaint case, but no prima facie case was found against them.

Considering the facts aforesaid, the petitioners above-named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be

enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Judicial Magistrate Ist Class, Gaya in connection with Complaint Case No. 1486/2015 Trial No. 1084/2016, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

**(Prabhat Kumar Jha, J.)**

Vinita/-

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