

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10185 of 2016

Arising Out of PS.Case No. -109 Year- 2015 Thana -MARHAURA District- SARAN

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1. Kanhaiya Yadav @ Kanhaiya Rai @ Badal Bawali S/o Rameshwar Rai,
2. Arjun Rai, s/o Late Fulena Rai,
Both resident of village - Narharpur, P.S. - Marhowrah, District- Saran at Chapra.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate

For the Opposite Party/s : Mr. Smt. Anusuiya Jaiswal, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 18-05-2016 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Marhowrah P. S. Case No. 109 of 2015 for offences alleged under Sections 420, 406, 468, 471, 341, 323, 379 and 34 of the Indian Penal Code. Initially, a complaint case was filed by the complainant which was later on registered as the present P.S. Case under Section 156(3) of the Cr.P.C.

The allegation made in the complaint is that the petitioners are his relatives and he is unemployed and was in search of job. It is further alleged that during course of search of job the petitioners proposed the complainant that they are acquainted with a Railway Officer, namely, Sunil Kumar



Saxena that they would get him employed if he paid five lakhs in cash. It is further alleged that the complainant paid Rs. 4 lakh 9 thousand cash to the petitioners and Rs. 78, 000/- through bank transfer in the account of Sunil Kumar Saxena. Thereafter, in the year 2009 the petitioners gave joining letter to the complainant and when the complainant went to the office of E.C.R. Kolkata to join service he came to know that the joining letter is forged and fabricated. The complainant returned back and contacted the petitioners who assured to return his money but later denied. It is further alleged that when the complainant went at the house of the petitioners for demanding his money then the petitioners started abusing and assaulting him and snatched his watch, mobile and cash of Rs. 2200/- from his pocket.

It has been submitted by the learned counsel for the petitioners that the petitioner no. 1 is the first cousin of the informant and that the petitioners have no criminal antecedent as is evident from para-3 of this application. He further submits that although the date of occurrence is alleged to be between 01.05.2009 till 08.09.2013 and the informant has not given any plausible explanation as to why there was delay in lodging the complaint case. Just because, the petitioners were relatives of informant and knew the co-accused Sunil Kumar Saxena that

the petitioners have been falsely implicated and that the informant's aunt (Phua) is the step-mother of the petitioner no. 1, Kanhaiya Yadav and his father was a railway employee and there was some ill motive of the informant regarding the property of the petitioner no. 1 that they have been falsely implicated.

However, the learned APP for the State submits that the petitioners are named in the F.I.R., hence, opposes the prayer of bail.

Be that as it may, since the allegations upon the petitioners are general and omnibus, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in connection with Marhowrah P. S. Case No. 109 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J)

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