IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5627 of 2017

Arising Out of PS.Case No. -71 Year- 2014 Thana -KAHALGAON District- BHAGALPUR

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1. Mithilesh Kumar Mitra @ Mithilesh Kumar Mishra, son of late Devi Das, Resident of Village- Badi Zamin, P.S.- Goradih, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiwesh Chandra Mishra, Advocate
For the Opposite Party/s : Mr. Sri Pranav Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 07-03-2017 Heard learned counsel for the Petitioner and the State.

The Petitioner apprehends his arrest in Kahalgaon P.S. Case No.71 of 2014 instituted for the offence under Section(s) 406, 409, 420/34 Indian Penal Code pending in the Court of the Chief Judicial Magistrate, Bhagalpur.

It is alleged in the complaint that one Basant Mandal, who is son of the informant, applied for recruitment as Constable for which written examination took place on 01.05.2010 and he was declared successful in that examination. He had to appear in physical examination on 06.06.2011. It is further alleged that accused No.2-Mritunjay Kumar assured Basant Mandal that he will introduce him to Mithilesh Kumar Mitra (petitioner), who is posted in Bihar Vidhan Mandal. The son of the informant went to this petitioner, who introduced him to another accused, Arun Kumar, who told him that he will do the work and he will have to deposit rupees twenty thousand. The petitioner gave bank account number of co-accused, Arun Kumar, and his own mobile number. The son of the informant gave rupees twenty thousand cash to the petitioner and as per advice of the petitioner deposited rupees twenty thousand in the bank account number given by this petitioner and pay-in-slip was kept by the nephew of this petitioner-Mritunjay Kumar. It is further alleged that on various dates son of the informant on advice of this petitioner deposited money in the account number of Arun Kumar provided by this petitioner and, in this manner, it has been alleged that total rupees one lac fiftten thousand has been fraudulently taken by this petitioner and other accused persons on the pretext of getting him job.

Learned APP has submitted that witnesses in para 5, 6, and 7 have supported the allegation made against the petitioner. The police has mentioned in para 21 and 22 that statement regarding amount deposited in the account number as given by this petitioner was obtained and it was found that aforesaid account is in the name of co-accused, Arun Kumar, and total rupees seventy five thousand five hundred ten has been deposited by the son of the informant in the account on different dates.

Keeping in view the serious allegation, this Court does not find it a fit case for grant of anticipatory bail.

Prayer is rejected.

The petitioner may surrender before the Court below and seek regular bail, which shall be considered and disposed of on its own merit without being prejudiced by this order.

(Sanjay Priya, J)

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