

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31895 of 2016

Arising Out of PS.Case No. -43 Year- 2016 Thana -GAUTAMBUDHNAGAR District- SIWAN

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1. Ashwini Kumar Tripathi, S/o Late Suresh Tiwary, resident of village - Sangrampur, Police Station- G.B. Nagar, District- Siwan

.... Petitioner/s

Versus

1. The State of Bihar &
2. Umesh Chauhan @ Umesh Kumar Mahto, son of Sri Dinbandhu Chauhan, resident of village-Satwar, P.S.-G. B. Nagar, District-Siwan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghwendra Kumar, Advocate

For the Opposite Party/s : Mr. Madhuranand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6/ 29-03-2017

Notice was issued to the Opposite Party No.2, but

he has not appeared in spite of its valid service.

Heard learned counsel for the Petitioner and the State.

The Petitioner apprehends his arrest in G.B.Nagar P.S. Case No.43 of 2016 instituted for the offence under Section(s) 420, 406 Indian Penal Code.

It is alleged that the informant on the direction of this petitioner deposited rupees six lacs in the account of Himalayan Publishers and gave rupees three lacs in cash to the informant for getting the job of teacher but the job was not provided and in this manner informant has been cheated.

It has been submitted on behalf of the petitioner that



from the statement made by the informant in the written report itself, he himself gave money to the petitioner for getting the job of teacher and hence, he is equally responsible for the illegal act. It has further been submitted that if money has been given to the petitioner then civil remedy is available to the informant.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with G.B.Nagar P.S. Case No.43 of 2016, he shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Siwan, subject to the conditions as laid down under Section 438(2) Cr. P. C.

(Sanjay Priya, J)

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