

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5560 of 2017

Arising Out of PS.Case No. -154 Year- 2016 Thana -ITADHI District- BUXAR

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Mukesh Kumar, son of Late Harinarayan Singh, resident of village-
Bakasara, Police Station-Itarhi, District-Buxar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rang Nath Choubey, Advocate

For the Opposite Party : Mr. Rajendra Prasad Nat

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 07-02-2017 Heard both sides.

The petitioner is in custody in connection with Itarhi
P.S.Case No.154 of 2016 registered for an offence under Sections
406, 420, 468, 471, 341, 323, 504 and 379/34 IPC.

The informant in his written report submitted before
SHO of Ithari P.S. has stated that he is an unemployed youth and
used to appear in several competitive examinations. In course of
appearing examination for the recruitment in Railway Department,
he met this petitioner who assured him to get him employed in
government service subject to payment of handsome amount. The
informant gave an amount of Rs.13,00000/- in several
instalmentss as per desire of the petitioner. The informant has
further stated that this petitioner gave some forged joining letters
and some letters for his training at different institutions. The



informant did not get any job and so he started demanding the said amount. This petitioner, however, agreed to execute the sale deed with respect to his land in lieu of returning the said money. The petitioner neither executed the sale deed nor returned the money and on repeated demand, he brutally assaulted and snatched Rs.3500/- from his pocket.

The learned counsel for the petitioner submits that the petitioner is a poor man and he has been cheated by the informant and his associates. One Ashfaq Alam happens to be SHO of Ithari police station and he got the present case lodged by setting the informant. The said Officer-in-Charge and his sons had taken an amount of Rs.5,00000/- for getting him appointed in police service in the year 2015. The petitioner had appeared in the examination of Bihar State Selection Commission for the post of Sub-Inspector. The said Ashfaq Alam had taken copy of his Admit-card and cash amount giving assurance that he would get him appointed in police as he has close connection with the high ups in the police department.

The learned APP opposed the submission.

From the documents produced on behalf of the petitioner, it appears that the petitioner has filed a complaint case no.1006 of 2016 against the SHO of Ithari police station and his



two sons for the occurrence which took place between June, 2015 to 25th August, 2015. The petitioner has filed admit-card of Second Graduate Level Combined Competition which was held on 22.02.2015. The complainant filed the said complaint case on 14.11.2016 on the file of CJM, Buxar. The present FIR has been lodged at the same police station where the accused of complaint case no.106 of 2016 is SHO. The petitioner claims that he was cheated by the SHO and his associates, and only to usurp his money the SHO has got the present case lodged. The petitioner is in custody since 14.12.2016.

Considering the facts and circumstances of the case and also the fact that there is also a counter version from the side of this petitioner for which a complaint case has been filed, the bail prayer of this petitioner is allowed and he (Mukesh Kumar) is directed to be enlarged on bail on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of CJM, Buxar in connection with Ithari P.S.Case No.154 of 2016.

(Sanjay Kumar, J)

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