

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50634 of 2017

Arising Out of PS.Case No. -654 Year- 2014 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

=====

1. Brij Lal Kedia, son of late Thakur Prasad Kedia.
2. Rekha Kedia, wife of Sri Pradip Kumar
3. Ruchi Kumari Kedia, daughter of Sri Pradeep Kumar
All residents of village-Gopalganj, Ward No.16, P.O., P.S. and District-
Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar
2. Arun Kumar Ojha @ Bipul Kumar, son of Munni Nath Ojha, resident of
village-Katholia, P.S.-Kuchaikot, District-Gopalganj.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ashish Giri, Adv.

For the Opposite Party/s : Mr. Amit Kumar Rakesh, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 17-10-2017 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners are seeking anticipatory bail in
connection with Complaint Case No.654/2014, Trial No.4229 of
2014 registered for the offences punishable under Sections 420,
120B and 406/34 of the Indian Penal Code.

Learned counsel for the petitioners has pointed out
to this Court that the petitioner no.1 is a retired Railway employee
aged about 70 years at present, petitioner no.2 is the daughter-in-
law of petitioner no.1 and petitioner no.3 is the grand-daughter of
petitioner no.1, who has recently graduated in MBBS aged about



24 years and also unmarried. All these petitioners have been falsely implicated in the present complaint by making allegation that this complainant had given a sum of Rs.1,95,000/- initially at the instance of the accused persons who had promised the complainant to provide a job in the Railway. It is alleged in the complaint that after six months the accused once again demanded a sum of Rs.1,00,000/-. Learned counsel submits that from the statements made in paragraph 7 of the complaint petition the motive behind the filing of the present case would be apparent. In fact the petitioner no.1 has lodged a case under Sections 406 and 420 of the Indian Penal Code against the present complainant Sri Arun Kumar Ojha and has produced a cheque issued by the complainant in support of the case of cheating lodged against the present complainant. Learned counsel submits that in fact the complainant had taken Rs.4 lacs from accused no.3 (petitioner no.1) in the name of providing admission to petitioner no.3 in medical college, but later on neither the admission was provided nor the money was refunded to the petitioner no.1 which led to filing of the complaint case giving rise to C.R.No.319 of 2013. Learned counsel submits that in the said complaint case cognizance has already been taken and summons have been issued to the complainant of the present case.



On the strength of these statements, learned counsel submits that it is a fit case for grant of anticipatory bail because the petitioners are apprehending that they may be taken in custody on appearance by virtue of summon issued by the learned Judicial Magistrate-1st Class in Complaint Case No.654 of 2014 (Annexure-1).

On the other hand, learned APP for the State submits that the petitioners have no reason to apprehend arrest because despite this being a warrant triable case in which the learned Magistrate has taken cognizance, learned Magistrate in his wisdom has decided to issue summon and not a warrant.

This Court has considered the materials available on the record and finds force in the submissions of the learned counsel for the petitioners, but the Court is of the considered opinion that in a complaint case of this nature where only summon has been issued by the learned Judicial Magistrate-1st Class, the petitioners have no apprehension of arrest. If the petitioners appear pursuant to summons before the learned Judicial Magistrate-1st Class, Gopalganj and pray for regular bail, the same shall be considered on the same day and submissions as stated above on behalf of the petitioners shall be considered in accordance with law. The learned Magistrate shall consider the bail matter keeping



in mind that the petitioners are putting appearance pursuant to summons and there are enough materials indicating false implication of the petitioners.

The application is, accordingly, disposed of.

(Rajeev Ranjan Prasad, J)

Arvind/-

U		T	
---	--	---	--

