

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61541 of 2017

Arising Out of PS. Case No.-199 Year-2012 Thana- MAHESI District- East Champaran

Parmanand Patel, son of Sri Tulsi Ram, Resident of Village- Dargawana, P.S.-
Mehsi, District- East Champaran.

... .. Petitioner/s

Versus

1. State of Bihar
2. Jamdar Rai, Son of Chulai Rai, Resident of Village & Post-Damodarpur,
P.S.- Mehsi, District-East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyank Samdarshi, Adv.
For the State : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-12-2017 Heard learned Counsels for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 406, 420, 323, 504 and 506 of the Indian Penal Code.

Prosecution case got initiated with the filing of Complaint Case No. 1851 (C) 2012, which after being transferred under Section 153(3) of the Cr.P.C. got registered as Mehsi P.S. Case No. 199 of 2012. The prosecution case is that the informant Jamadar Rai and petitioner Parmanand Patel were acquainted to each other from before. Hence, the informant was aware that the petitioner used to provide employment in the private limited company. Consequently, the informant gave



Rs.80000/- to the petitioner in the year 2011 along with educational certificates for getting the son Anil Kumar and his nephew Rakesh Kumar employed. Initially it was promised that employment would be provided within six months, but it was not provided. Subsequently, petitioner assured to return the amount on 10.07.2012, but it was not returned. On 10.07.2012 at 8 AM when the informant along with witnesses went to the house of the informant and demanded money, the petitioner and others got agitated, they abused and assaulted the informant and snatched Rs. 2000/- from the informant.

It is submitted by learned counsel for the petitioner that initially on conclusion of investigation, the petitioner was not sent up for trial, but differing with the final form, cognizance has been taken on 07.01.2017. There is no proof with regard to payment made to the petitioner. Moreover, the complaint was filed with inordinate delay. However, the petitioner is accused in 5 other cases, but in all the cases he is on bail. A supplementary affidavit has been filed to that effect.

Learned APP submits that the thrust of accusation is against this petitioner.

Considering the fact that the informant claims to have paid some amount without any documentary proof for getting



employment by illegal means, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 6th ACJM, Motihari, in connection with Mehsi P.S. Case No.199 of 2012, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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