

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53343 of 2017

Arising Out of PS.Case No. -807 Year- 2015 Thana -PHULWARI District- PATNA

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Lalan Kumar Sinha @ Lalan Sinha S/o Suresh Prasad, R/o Quarter No.39,
Gardanibagh, Road No. 10, P.S.- Gardanibagh, District- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Adv.

For the Opposite Party/s : Mr. H. Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 14-11-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends arrest in connection with
Phulwarisharif Police Station Case No. 807 of 2015 registered for
the offences punishable under sections 406 and 420/34 of the
Indian Penal Code.

The allegation, as per written report, is that all the
FIR named accused persons, in collusion with each other,
persuaded the informant and his brothers to give money for getting
them employed in the Health Department under the Government
of Bihar. The informant and his brothers gave an amount of
Rs.3,90,000/- to the accused persons. The appointment letters
were also given to them which were found forged and fabricated.



Thereafter, the informant and his brothers demanded money. The accused persons issued different cheques in favour of the informant and his brothers, which, on presentation in Bank, bounced. The accused persons have, thus, cheated the informant and his brothers and also committed breach of trust.

The learned counsel for the petitioner submits that the petitioner is an Assistant posted in the Health Department at New Secretariat, Patna. He has no concern with the affairs of informant and other co-accused. The allegation of issuing cheque is against other co-accused and so no offence under sections 406 and 420 of the Indian Penal Code is made out against this petitioner. It has further been submitted that the informant and petitioner have compromised the case and so the petitioner deserves anticipatory bail.

The learned Additional Public Prosecutor on the other hand, opposed the submission.

Considering the omnibus allegation of cheating and committing breach of trust and also the compromised between the parties, the prayer of anticipatory bail is allowed and the above named petitioner, in the event of arrest or surrender before the learned court below within a period of six weeks, be released on bail on furnishing bail bond of Rs.10,000/-(Ten thousand) with



two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Patna/Successor Court in connection with Phulwarisharif Police Station Case No. 807 of 2015, subject to the condition as laid down under section 438 (2) of the Criminal Procedure Code.

(Sanjay Kumar, J)

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