

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7452 of 2018

Arising Out of PS. Case No. -1032 Year- 2009 Thana -BHAGALPUR COMPLAINT CASE
District- BHAGALPUR

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Rudal Paswan, Son of Late Ramdhin Paswan, resident of Village- Nagina Bazar, Post Bhoura, P.S.- Sudamadih, District- Dhanbad (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Satyanarayan Singh, Son of Late Sitaram Singh, resident of Village- Sitarampur, P.S. Sultanganj, District- Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 17-02-2018 Heard learned counsel for the petitioner, State and the informant.

The petitioner apprehends his arrest in connection with Complaint case no. 1032 of 2009 for the offence under Sections 406, 420 and 120B of the Indian Penal Code.

Learned counsel for the petitioner submits that on the basis of complaint case no. 1032 of 2009, the Court took cognizance for the offence under Sections 420/34 of the Indian Penal Code.

Allegation against this petitioner is that he was involved in extracting money from job aspirants in the name of providing job. It is alleged that he has extracted Rs.80,000/- from



the complainant to ensure employment for the informant.

In the complaint, the complainant has mentioned about the cheque issued by the petitioner bearing cheque no. 353286 for Rs. 38,500/- and it is alleged that the cheque was dishonoured on account of lack of adequate fund.

From perusal of Annexure-3, it appears that the alleged cheque was not issued in the name of the informant, but it was to be withdrawn by the order of the account holder itself, as the cheque reads payable to self.

In view of the above, the Court finds that the allegation of returning Rs.38,000/- and odd by the petitioner to the informant and dishonour of the same does not find substance, as the cheque was not issued in the name of the complainant, since there is no material available on record that the petitioner has received alleged amount much less in order to provide job to the complainant and also in view of the fact that the petitioner has no criminal antecedent, the petitioner, named above, in the event of arrest or surrender before the court below within one month from today, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the amount each to the satisfaction of Sri Kumar Pankaj, Judicial Magistrate, 1st Class, Bhagalpur in connection with Complaint case no. 1032



of 2009 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Upadhyay, J)

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