

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.70828 of 2018

Arising Out of PS. Case No.-2043 Year-2017 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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1. Gauri Shankar Sharma,
 2. Rama Shankar Sharma, Both Sons of Ram Janam Sharma, Both resident of Village- Brahampur, Post Office- Kirkiri, Police Station- Azimabad, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Birendra Kumar Sinha, Son of Late Ramchandra Singh, Resident of Village- Ekbari, Police Station- Sahar, District- Bhojpur, Presently residing at Maharaja Hata, Ara, Police Station- Ara Nawada, District- Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Nath

For the Opposite Party/s : Mr. Sri Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-12-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a complaint case, wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 420, 384, 467, 468, 506 and 120B of the Indian Penal Code.

The prosecution case is that in assurance of the petitioners that they will get employed on Class IV post in the Bhojpur Collectorate, Rs.5,00,000/- was collected from 20 candidates each and given to the petitioners.

It is submitted by learned counsel for the petitioners



that there is no proof with regard to the payment and the actual affected persons have not come forward. In fact, there is accusation of embezzlement of Rs.30,00,000/- by the complainant, being the then Panchayat Secretary, for which Sahar P.S. Case No. 133 of 2015 was lodged and since the wife of petitioner no. 1 is the present Panchayat Mukhiya and hence, the complainant wanted some favour and when she denied, firstly he lodged Complaint Case No. 949C of 2016 with accusation under Sections 406, 420 of the IPC and Section 138 of N.I. Act against petitioner no. 1 wherein he is on bail.

Learned APP submits that there is specific accusation against the petitioners.

It is well settled law that a person who intends to get employment by illegal means, he cannot be given any protection under the law.

Considering the litigated relationship between the parties, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Bhojpur at Ara in



connection with Complaint Case No. 2043C of 2017, subject to
the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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