

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63148 of 2018

Arising Out of PS. Case No.-1524 Year-2017 Thana- COMPLAINT CASE District- Araria

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Ankush Kumar Verma Son of Anuj Das Resident of Bhatiyahi, P.S. Jogbani, (Bathnaha O.P.),
District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Lalit Lal Das son of late MadNarayan Das Resident of Haripur Ward No. 7, P.S. Forbesganj,
District- Araria.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Mukund, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 11-12-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Complaint Case No.1524C of 2017 for the offence
registered under Sections 417, 406 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
entire allegation is based on conjecture that the petitioner being
small time employee was responsible for making payment to the
complainant for supply of gabions. It is submitted that as per the
complaint case, the accused was working as a block Convenor
of N.G.O. T.R.Y and was entrusted with a work of protection of
plants which had been planted by the side of the road and for
which t he accused contacted the complainant and asked him to
provide gabions. Though t he complainant had provided the said
gabions to the tune of Rs.1,35,000/-, but the accused paid only



Rs.45,000/- and an amount of Rs.90,000/- remained paid. It is alleged that the petitioner had failed to pay the amount and, therefore, the case has been lodged. Learned counsel for the petitioner submits that he is simply an employee of the N.G.O. and is not responsible for making any payments and, therefore, the act of the complainant in saddling the responsibility of non-payment on the present petitioner is wholly un-accepted and no case as against him is made out under Sections 417 and 406 of the I.P.C.

Considering the aforesaid facts and circumstances of the case and the nature of allegation made and also because the petitioner has no criminal antecedent, let the petitioner, above named, in the event of his arrest/surrender before the learned court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M. - VI, Araria in connection with Complaint Case No.1524C of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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