

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27071 of 2018

Arising Out of PS.Case No. -3007 Year- 2014 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

- =====
1. Bishram Thakur, S/o Late Jai Kishun Thakur,
 2. Prabhawati Devi W/o Late Dharmender Thakur, Both are R/o Vill.-
Rikhai Tola, P.S.- Thawe , District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ram Sagar Chaubey S/o Late Ram Prasnn Chaubey, R/o Vill.- Mukari
Tola, P.S.- Gopalganj, District- Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Srivastava

For the Opposite Party/s : Mr. Sri Bharat Lal

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 03-05-2018

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 406/34 of the Indian Penal Code.

The prosecution case as per the complaint filed by complainant, Ramsagar Choubey on 07.11.2014, is to the effect that on 15.02.2014 the petitioner no. 1 came at the door of the complainant and offered to get the complainant's two sons employed in the Railways, consequently the complainant paid Rs. Four lakhs to petitioner no. 1 on assurance that the sons of the complainant will be taken to Varanasi on 25.03.2014 and



thereafter they will be given the appointment letter. Though, the petitioner no. 1 took them to Varanasi but the complainant's sons were not appointed and hence, the present complaint was instituted.

It is submitted by learned counsel for the petitioners that petitioner no. 1 is a person aged 70 years. The petitioner no. 2 is the widow daughter-in-law of petitioner no. 1 and there is no accusation levelled against petitioner no. 2 in the entire complaint. However, the offence under Section 406 of the Indian Penal Code is only made out, if the entrustment is for a valid legal contract. Moreover, there is no proof with regard to the payment being made to petitioner no. 1. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Considering the accusation which is based on a contract of getting employment through illegal means and that there is nothing on record to suggest when the entrustment of money was actually made to petitioner no.1, 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 A.C.J.M. XI, Gopalganj in connection with Complaint Case No. 3007 of 2014/Tr. No. 17 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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