

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45606 of 2018

Arising Out of PS. Case No.-1774 Year-2017 Thana- SASARAM NAGAR District- Rohtas

Chandan Kumar Mahto Son of Late Sarayu Prasad, resident of Village-
Uchitpur, P.O. Muradabad, P.S. Sasaram (M), District- (Sasaram) Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh

For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary 1

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 14-08-2018 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner apprehends his arrest in Sasaram Nagar P.S.
case no. 1774 of 2017 instituted for the offence under Section(s)
406, 420, 504, 506, 509/34 and 120B of the Indian Penal Code.

Learned counsel for the petitioner has submitted that
petitioner was only a delivery boy. He has no concern with any
telephonic message or telephone call which was made to the
informant by different accused persons as mentioned in the
written report. No money has been transferred in the account of
this petitioner.

In the written report, it is alleged that on 11.3.2017, in
the evening, the informant was watching advertisement on T.V
and made order on line for nine pieces of Dinner set from



Sonera Company which was to be received on 17.3. 2017 by courier through this petitioner on payment of Rs. 1600/-. The informant gave his mobile no. and also took mobile no of the informant. Thereafter one Vijay Gupta of said company informed the informant on 28.3. 2017 that on her dinner set a lottery of Rs. six lakh fifty thousand has been won by her for which registration charges of Rs. 4,650/- will have to be deposited in the account of said Vijay Gupta. The complainant has transferred the said amount in the account of said Vijay Gupta on 20.3.2017. In this way, on different dates the complainant deposited in different accounts of the accused persons a total sum of Rs. 2, 06,850/-. But neither the amount of lottery nor bonus amount was sent to her. Lastly, on 24.10.2017 at about 10 AM on demand of Rs. 2,06,850/- accused persons as mentioned in the complaint petition abused and threatened the complainant.

In this manner from the entire allegation in the written report, there is no any mention that any money was paid to this petitioner. Petitioner is alleged to have delivered the dinner set to the complainant on the aforesaid order placed by the complainant on line.

In the facts and circumstances of the case, prayer of the



petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Sasaram Nagar P.S. case no. 1774 of 2017 he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the CJM Rohtas at Sasaram, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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