

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65209 of 2018

Arising Out of PS. Case No.-1195 Year-2005 Thana- PATNA COMPLAINT CASE District-
Patna

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Niranjan Kumar Singh, Son of Saryug Prasad Singh, Resident of Village-
Dewrhi, P.S.-Taraiya Distt.-Saran at Chapra

... .. Petitioner

Versus

1. The State of Bihar.
2. Sanjay Kumar Son of Sri Ramadhar Sharma Resident of Village-Rapaich, P.S. Mehandia, Distt., Arwal, Presently resident of Mohalla-Postal Park, Ram Bilash Chouk, Indira Nagar, Road No.4, P.S. Jakkanpur, Town & Distt.-Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan
For the Opposite Party/s : Mr. Ram Sevak Choudhary

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-12-2018 Heard learned counsels for the petitioner,

complainant and the State.

The petitioner is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 420 of the IPC.

The prosecution case, as per the complaint petition filed by Sanjay Kumar being the Chief Judicial Magistrate, Patna is to the effect that the accused persons persuaded the petitioner to provide employment on payment in Trangularship Management Limited Company. Paragraph no.7 of the complaint suggests that the petitioner was asked to deposit Rs. 1,75,000/- with co-



accused Raj Kishore Singh and the petitioner Niranjan Kumar Singh. Though, paragraph no.8 of the complaint petition suggests that the money was paid to all the accused persons, but in paragraph no.9 of the complaint petition, it is specifically alleged that the money was paid to the petitioner and the passport and other documents of the complainant were submitted. One appointment letter was also issued to the complainant, but ultimately he was not provided any job nor was the amount returned.

It is submitted by learned counsel for the petitioner that there is no proof with regard to payment to the petitioner and even assuming the accusation, no offence under Section 420 IPC is made out against the petitioner. Moreover, it is well settled law that the complainant cannot get any protection under the law if he chooses to get the job through illegal means. Moreover, Raj Kishore Singh and Rupesh Kumar have been granted privilege of anticipatory bail by a co-ordinate Bench of this Court, vide Cr. Misc. No. 18641 of 2013 and co-accused Saryug Prasad Singh has been granted privilege of anticipatory bail, vide Cr. Misc. No. 27166 of 2018.

Learned counsel for the complainant submits that the money was paid to the petitioner. Moreover, the petitioner is



also involved in one other case of similar nature, wherein his prayer for bail has been dismissed.

Considering the nature of accusation, particularly inconsistent statement made in paragraph nos. 8 and 9 of the complaint petition, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, Patna. in connection with Complaint Case No. 1195(c) of 2005, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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