

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25632 of 2019

Arising Out of PS. Case No.-229 Year-2016 Thana- NOORSARAI District- Nalanda

1. Gopal Prasad, S/o Ramavtar Prasad Resident of Surbhi Sari Centre Town,
P.S.- Pakaribarwan, District- Nawada
2. Kundan Kumar S/o Jagdish Prasad Resident of Surbhi Sari Centre Town,
P.S.- Pakaribarwan, District- Nawada

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate. Mr. Md. Shakir Ahmad Mr. Rajesh Kumar Mr. Gajendra Kumar
For the Opposite Party/s	:	Mr. Shantanu Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 26-04-2019 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered under Sections 420, 406 and 506/34 of the Indian Penal Code.

Informant gave Rs. 2,80,000/- to Srikant Paswan @ Rajballabh Paswan on his assurance to manage government job in railway for him and on his introduction of the petitioners as railway official, informant accorded Rs. 20,000/- in the account of Gopal Prasad and Rs. 25,000/- in the account of the petitioner Kundan Kumar, but they neither managed the job for



the informant nor returned back his money and thereby cheated and usurpt the huge amount of the informant.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in the case. As a matter of fact, petitioner Kundan Kumar is the owner of Surabhi Saree Centre and the informant was his employee. He had given money to the informant for purchasing some commodities but he had not purchased the same and returned back the money by depositing in his account. However later on he was terminated from his service for his misconduct. Then out of the aforesaid grudge informant has lodged this false and frivolous case against the petitioners. It is further submitted that the informant himself voluntarily accorded the money to secure appointment in Railway illegally for a money consideration which itself is an offence. Hence concept of cheating is not made out as the informant was aware of the crime and cannot contend that failure to commit the crime amounted to cheating him. Petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below



within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Nalanda at Biharsharif in connection with Noor Sarai P.S. Case No.229 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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