

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25867 of 2019

Arising Out of PS. Case No.-272 Year-2018 Thana- JANDAHA District- Vaishali

Shankar Paswan, Son of sumendra Paswan Resident of Village- Bishanpur,
P.S.- Jandaha, District- Vaishali at Hajipur (Bihar).

... .. Petitioner/s

Versus

(1) The State of Bihar

(2) Sujeeta Devi, w/o Late Sonhan Paswan, Vill+ P.O.-Mukundpur Math, P.S.-
Jandaha, Distt.-Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rakesh Kumar
For the Opposite Party/s	:	Mr. Akshay Lal Pandit, APP
For the informant	:	Ms. Priya, Ms. Rina Sinha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 02-08-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State as well as informant.

Petitioner apprehends his arrest in connection with
Jandaha P.S. Case No.272 of 2018 for the offence punishable
under Sections 420, 406, 376, 323, 506 of the Indian Penal
Code.

The allegation against the petitioner as per the First
Information Report lodged by informant, Sujeeta Devi that her
husband was a constable in the Army and was martyred in duty.
It has further been alleged that the informant was to be allotted
Gas Agency by Indian Oil Corporation under the Government
personnel category and the petitioner who is the neighbour of



the informant taking advantage of the situation exploited the informant physically, economically and sexually. It has further been alleged that the petitioner took away Rs. 9 lakhs from the informant and opened SBI Life Insurance Policy in which he mentioned his name as nominee.

Learned counsel, Mr. Rakesh Kumar, appearing for the petitioner submits that petitioner has falsely been implicated in this case due to oblique motive inasmuch as the informant was willing to have a LPG Gas Agency for which an agreement for lease was entered into between the informant and one Rajendra Rai on 15.07.2017 for a period of 20 years for opening of Indian Oil Gas Agency. It has further been submitted that after entering into the agreement for lease, informant entered into a deed of partnership dated 01.02.2018 along with petitioner for running the Indian Oil Gas Agency having 50:50 share between the two. Learned counsel further submits that on 03.10.2018, the informant received a letter from Indian Oil Corporation whereby the Corporation refused to allot Gas Agency in favour of informant. Learned counsel also submitted that during the process of allotment, the petitioner had given a sum of Rs.2,05,000/- to the informant which the informant undertook to refund to the petitioner on 09.10.2018 (Annexure-



5). Learned counsel for the petitioner further submits that petitioner is married person having two children and residing with his family at Jandaha. Learned counsel thus submits that when the petitioner demanded his money back, the informant lodged a false and concocted case on 02.11.2018.

On the other hand learned counsel, Ms. Reena Sinha, appearing for the informant submits that the petitioner gave assurance to the informant to arrange everything pertaining to the LPG distributorship and exploited her physically and economically as well as sexually and thus committed serious offence against the informant.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and learned counsel for the informant and taking into consideration the fact that there appears to be business relationship between the petitioner as well as informant for a long period of time and when the Gas agency was not allotted and there was dispute with regard to return of the money, the present FIR has been lodged by the informant, as such, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of



four weeks from today and in the event of surrender by him, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, XIth, Vaishali at Hajipur, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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