

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26611 of 2019

Arising Out of PS. Case No.-396 Year-2018 Thana- BAIRIYA District- West Champaran

1. TULSI PRASAD Son of Late Hardeo Prasad Resident of Village - Tadhwanand Pur, Kanhi Tola, P.S.- Bairiya, Distt - West Champaran.
2. Dhananjay Kumar Son of Tulsi Prasad Resident of Village - Tadhwanand Pur, Kanhi Tola, P.S.- Bairiya, Distt - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhileshwar Kumar Shrivastva

For the Opposite Party/s : Mr.Kumar Veerendra Narayan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 29-04-2019 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Bairiya P.S. Case No. 396 of 2018 (G.R. No. 4834 of 2018), registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

Petitioners have taken Rs.2,60,000/- (rupees two lacs sixty thousand only) from the informant in the name of managing job of Tubewell operator in the Water Resources, Department but neither managed the job for him nor returned his money.

It is submitted by the learned counsel for the



petitioners that no such occurrence as alleged ever took place. Petitioners have not taken any money from the informant. As a matter of fact, petitioner Dhananjay Kumar and other persons worked under the informant in rural area from March 2016 to July 2016 and informant did not pay any wages to them. Resultantly, the petitioners filed a case before the Labour Court and on getting information of the same, the informant has filed this false and frivolous case against the petitioners to get the aforesaid case withdrawn. The aforesaid money has allegedly given in piecemeal, lastly in January 2017, but the FIR has been lodged after inordinate delay on 26.10.2018 without assigning any plausible explanation. It is further submitted that the informant himself voluntarily accorded the money to secure appointment in Water Resources, Department 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. VIIth, Bettiah, West Champaran in connection with Bairiya P.S. Case No. 396 of 2018 (G.R. No. 4834 of 2018), subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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