

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46575 of 2019

Arising Out of PS. Case No.-167 Year-2019 Thana- MOTIHARI TOWN District- East
Champaran

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SUDHIR SINGH @ SUDHIR KUMAR SINGH Son of Yamuna Prasad Singh
Resident of Village- Karama, P.S.- Goraari (Kaaraaakaar), District- Rohtas,
Bihar, Presently Block Nazir Block Nazir, Block P.S.- Keshariya, East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Uma Kant Shukla Mr. Rajesh Ranjan I Mr. Atul Shankar
For the Opposite Party/s :		Mr.Raj Kishore Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-07-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Motihari Town Police Station Case No. 167 of 2019,
disclosing offences under Sections 406/420/409/467/468/471/
120B of the Indian Penal Code.

The allegation against the petitioner is that the
informant and 113 others were working as daily wage
employees in the district Nazarat of Motihari and their wages, as
per the Government regulation, for the period 2001 to 2012,
were not paid despite the amount released by Deputy Collector,
Nazarat. It has further been alleged that in the year 2013, there
was an advertisement for appointment on Class-IV posts. The



informant and others applied for the said posts, but their applications were suppressed. It has further been alleged that the petitioner started bargaining and demanded Rs. 4,00,000/- for each candidate and accordingly, the informant, after consultation with others, and with the consent of the accused persons, collected Rs. 2,00,000/- each from all the candidates and paid Rs. 1,00,00,000/- (one crore) to the petitioner between 2013 to 2015.

Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated on the basis of a belated complaint inasmuch as the first part of the complaint that daily wages of the informant and others were not paid is concerned, the petitioner was not posted in the district Nazarat. Further, so far as allegation of providing job to the informant and others are concerned, he submits that the informant and others even did not apply for the said posts pursuant to the advertisement and the entire allegation is based on concocted story. He further submits that the advertisement has been published in the year 2013 and this complaint has been made in the year 2019, with premeditated mind.

After having heard learned Counsel for the parties and taking into consideration the fact that the petitioner is Assistant



and is not the appointing authority for Class-4 posts and further the allegation against the petitioner is for the period 2013 to 2015 and the present complaint has been filed after a delay of four years, I am inclined to grant the petitioner privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner, Sudhir Singh @ Sudhir Kumar Singh, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, at Motihari, in connection with Motihari Town Police Station Case No. 167 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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