

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52859 of 2019

Arising Out of PS. Case No.-231 Year-2019 Thana- BUDDHACOLONY District- Patna

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DHAIRYA KUMAR Son of Late Shashi Narayan Jha Resident of Mohalla-
Sumitra Devi Path, Income Tax Golamber, Patna, P.S.- Budha Colony,
District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nagendra Kumar Singh

For the Opposite Party/s : Mr.Arun Kumar Pandey

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 05-09-2019 Let the supplementary affidavit filed on behalf of the
petitioner be kept on the record.

Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Budha Colony P.S. Case No.231 of 2019 registered under Sections
419, 420, 465, 471, 193 and 120(B) of the Indian Penal Code.

The accusation is that the informant being the Officer
Incharge of Budha Colony Police Station, Patna, received Memo
No.2535 dated 30.06.2019 of the Senior Superintendent of Police, in
the light of the Memo No.3578 dated 24.06.2019 of the Additional
Inspector General of Police (Law and Order), Bihar, Patna, to the
effect that in the supervision of Kotwali P.S. Case No.571 of 2017
lodged by Lalan Kumar, Budha Colony P.S. Case No.383 of 2017



lodged by the petitioner and Kotwali P.S. Case No.664 of 2017 lodged by Nirbhay Sinha, it has come that the aforesaid cases have been lodged by the aforesaid persons under conspiracy against Nirbhay Singh and his wife Mithilesh Singh and others for bouncing of the cheque of about one crore rupees in which the Investigating Officers of all the cases have helped the aforesaid persons for recovery of money by creating forged documents and evidence and direction was given to him to institute the case against the informants of the aforesaid cases, including the petitioner, who has lodged Budha Colony P.S. Case No.383 of 2017 and which has been investigated by A.S.I. Manish Kumar, under Sections 419, 420, 465, 468, 471, 193 and 120(B) of the Indian Penal Code. Accordingly, the present case was lodged on 30.06.2019 against the petitioner and the then A.S.I. Manish Kumar.

Learned counsel for the petitioner submits that, in fact, the petitioner lodged Budha Colony P.S. Case No.383 of 2017 under Sections 406, 420, 504, 506 and 120(B)/34 of the Indian Penal Code and Section 138 of the N.I. Act against Nirbhay Singh and his wife Mithilesh Singh in which, on investigation/supervision of the Deputy Superintendent of Police, Superintendent of Police (City) and Deputy Inspector General of Police, Patna, charge-sheet was submitted and, accordingly, the cognizance of the offence was taken against Nirbhay Singh and his wife Mithilesh Singh and the case, i.e., G.R. No.7135 of 2017 was fixed for framing of the charge on 09.10.2018 but with



an ulterior motive, Nirbhay Singh and his wife Mithilesh Singh, the accused of the aforesaid case, after managing the high police officials got implicated the petitioner in the present case. The petitioner has no criminal antecedent.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Sub Judge-II-cum-Additional Chief Judicial Magistrate, Patna, in connection with Budha Colony P.S. Case No.231 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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