

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53780 of 2019**

Arising Out of PS. Case No.-1462 Year-2006 Thana- GAYA COMPLAINT CASE District-
Gaya

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NAVIN KUMAR S/o Late Chandra Shekhar Sharma R/o Mohalla- New
Colony Bhaluahi, Kharkhura, P.S.- Delha, District- Gaya

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Abhishek Kumar Mishra S/o Sri Hardev Singh Resident of Kako Road
Nizamuddinpur (Near Model Tannery), P.S.- Jehanabad, District- Jehanabad

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shivendra Prasad

For the Opposite Party/s : Mr.Harendra Prasad

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

ORAL ORDER

2 27-08-2019 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Complaint Case No.1462 of 2006/Trial No.593 of 2018 registered
under Section 420 of the Indian Penal Code.

The accusation is that the opposite party no.2 obtained the
degree of Deck Cadet from S.A.M.S. Ltd. Training Centre Chennai
(Madras), approved by the Government of India, on 30.04.2003.
Thereafter, the opposite party no.2 came in the touch of the petitioner
on 05.09.2004 at his residence situated at New Colony, Delha, Gaya,
and the petitioner assured the opposite party no.2 to get the job
provided to him and took Rs.2,30,000/- but the job was not provided
to the opposite party no.2. On repeated requests, the petitioner



returned only Rs.30,000/- to the opposite party no.2.

Learned counsel for the petitioner submits that, in fact, the petitioner is running the institute in the name of Vivekanand Institute of Merchant Navy at Mumbai and the opposite party no.2 took the admission in the said institute of the petitioner and paid Rs.30,000/-. As the conduct of the opposite party no.2 was not good, he was removed from the said institute and Rs.30,000/- was returned to the opposite party no.2. Due to that reason, the opposite party no.2 has lodged the present complaint case with false allegation against the petitioner. 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 Sri Amrendra Kumar Raj, Judicial Magistrate, First Class, Gaya, in connection with Complaint Case No.1462 of 2006/Trial No.593 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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