

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66365 of 2019

Arising Out of PS. Case No.-127 Year-2018 Thana- SHEKHPURA COMPLAINT CASE
District- Sheikhpura

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RAKESH RAUSHAN @ RAKESH ROUSHAN Son of Vijayeshwar Prasad
Resident of Village - Ashok Nagar Road No.1, P.S.- Kankarbhagh, Distt.-
Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Rajiv Kumar Son of Ram Khelawan Singh Resident of Village -
Babhanbigha, P.S.- Barbigha, Distt.- Sheikhpura.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Ranjan
For the Opposite Party/s : Mr.Ansar Ul Haque

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

5 11-12-2019 Heard learned counsel for the petitioner, learned
counsel for the complainant and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered under Sections 420, 406 and 506/34 of the Indian
Penal Code.

Petitioner and co-accused Nitesh Raushan
approached the complainant and offered him to accord flat of 3
BHK in Rs. 20 lacs claiming that they are constructing
apartment in the name and style of Susheela Enclave. On the
aforesaid assurance, complainant gave cheque of Rs. 2 lacs and
cash of Rs. 5 lacs to M/s Krishabh Creation Pvt. Ltd.



Subsequently he gave Rs. 10 lacs in the year 2013-14 to the co-accused Nitesh Raushan. Thus he has paid altogether Rs. 17 lacs to the accused persons. But despite assurance, they neither accorded him flat nor returned his money and on claiming money extended threatening of dire consequence.

It is submitted by learned counsel for the petitioner that the petitioner has no concern with the aforesaid occurrence. He has been falsely implicated in the case merely because he happens to be brother of co-accused Nitesh Raushan. No payment is said to have been made to the petitioner rather Rs. 7 lacs to M/s Krishabh Pvt. Ltd. and Rs. 10 lacs to the co-accused Nitesh Raushan. Petitioner had neither assured the complainant to give any flat to him nor taken any money from him.

On the other hand, learned counsel for the complainant and learned APP for the State opposing the bail petition submitted that both the petitioner and co-accused Nitesh Raushan fraudulently received Rs. 17 lacs from the complainant on the pretext of giving him flat, but they have neither given aforesaid flat to the complainant nor returned his money. Hence the petitioner does not deserve bail.

Having regard to the facts and circumstances of the



case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Sheikhpura in connection with Complaint Case No. 127C 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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