

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75604 of 2019

Arising Out of PS. Case No.-26 Year-2015 Thana- RUPASPUR District- Patna

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BABULAL MAHTO Son of Late Narayan Mahto Resident of Village - 83,
Jitpur, Topchachi Gomoh, P.S.- Hariharpur, District- Dhanbad, State -
Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Girish Singh

For the Opposite Party/s : Mr.Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-12-2019 Heard learned counsel for the petitioner and the learned
APP for State.

Petitioner apprehend his arrest in connection with
Rupaspur P.S. Case No. 26 of 2015 instituted for the offence
under Section 420/34 of the Indian Penal Code.

It is submitted by petitioner's counsel that even as per
allegations, the amount of illegitimate consideration for
obtaining employment, was deposited by the informant in the
account of co- accused Pravin Raj. The petitioner has been
implicated in this case by alleging that the call soliciting the
amounts was made from the same SIM card which was
registered in petitioner's name. It is further submitted by the
petitioner's counsel that petitioner was a IVth grade employee in



the Eastern Railways, and as such, has no authority to appoint and no connection with the allegations. Learned counsel further submits that even as per the prosecution case, the informant had entered into an arrangement for obtaining illegitimate benefit of appointment. The allegations, *prima facie* disclose that the informant himself has also indulged in such illegal act of trying to obtain appointment by illegitimate means. Learned counsel for petitioner further submits that petitioner has no criminal antecedents.

The learned APP for the State opposed the prayer for bail.

Considering the aforesaid facts, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, above named, before the court below, within four (04) weeks from today, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **ACJM-II, Danapur**, in connection with **Rupaspur P.S. Case No. 26 of 2015**, subject to the conditions as laid down under Section 438(2) Cr. P.C. subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how



he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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