

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.64345 of 2018

Arising Out of PS. Case No.-10 Year-2018 Thana- MAIRWAN District- Siwan

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Anup Kumar Mishra, Son of Raj Kishore Mishra, Resident of Village- Khor
Pakar, Police Station Jamo Bazar, Distt.-Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate.

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

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

ORAL ORDER

3 31-01-2019 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Mairwa P.S. Case No. 10 of 2018 registered under Sections
420, 406, 467, 468, 471, 323, 341, 504 and 506/34 of the Indian
Penal Code.

The accusation is that petitioner, who was known to
complainant, Krishna Mohan Upadhyay, came at his house
and asked to pay Rs.60,000/- for providing the job in fruit
company at the salary of Rs.25000/- in abroad. Thereafter,
informant paid cash of Rs.40,000/- and also handed over his
passport to petitioner and assured to pay remaining amount
within two months. Thereafter, informant was examined



medically, for which, he expend Rs.10,000/- and also deposited Rs.20,000/- in the account of the petitioner on 20.09.2017 on the instruction of the petitioner. The informant was taken at Mumbai on 30.10.2017, where petitioner again made demand of Rs.35,000/- but informant refused to pay the said amount and asked the petitioner to show the agreement. Thereafter, informant was taken in the office by the petitioner, where agreement was shown, in which, the salary was detailed as Rs.15,000/- then he refused and made complaint that while assurance was given for providing the job on the salary of Rs.25,000/- but in the agreement, salary has been detailed only Rs.15,000/-, on which, he refused and asked the petitioner to return the money and passport, showing that he is not willing to move in abroad then petitioner assured him to return his cash and passport at the village. In spite of approaching several occasions, petitioner did not return the money.

Learned counsel for the petitioner submits that it would appear from the complaint petition that according to the grievance of the complainant to the effect that while petitioner assured to provide the job in abroad on the salary of Rs.25,000/- but after expending Rs.60,000/-, the agreement was shown to the informant then informant refused to go in abroad at the



salary of Rs.15,000/-, which clearly indicates that the petitioner had no intention to cheat the informant.

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 Additional Chief Judicial Magistrate-VII, Siwan, in connection with Mairwa P.S. Case No. 10 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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