

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69717 of 2018

Arising Out of PS. Case No.-794 Year-2015 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Mritunjay Kumar Sharma Son of Late Gajadhar Sharma, Panchayat Teacher,
Posted at Middle School, Bochahi, P.S. Gopalpur, District- Bhagalpur,
Permanent Address being Resident of Village- Barhi Tola, Auliabad, P.S.-
Bihpur, District- Bhagalpur.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Anil Kumar Bharti, Son of Yamuna Prasad Das, Resident of Village Bhim
Das Tola, P.S.- Gopalpur Rangra District- Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh
For the Opposite Party/s : Mr.Amit Kumar Rakesh

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 27-02-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged
under Sections 419/420/406/467/468 and 471 IPC registered in
connection with Complaint Case No. 794/2015.

3. It is submitted that the petitioner has been falsely implicated
and there is no material to support the allegation of payment of Rs.
2,50,000/- to the petitioner. In any event, the accusation that the
money was paid for procuring job as Panchayat Teacher for the
complainant is improbable as any agreement contrary to law would
not be enforceable.

4. Learned counsel for the complainant invites reference to
Annexure-A of the counter affidavit which comprises of an agreement
showing payment of Rs. 2,50,000/- to the petitioner by way of
personal loan, which establishes the fact of payment of money to the
petitioner.



5. Be that as it may and considering the different version of the complainant for having advanced the amount to the petitioner as narrated in the agreement and as stated in the complaint, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM Ist, Naugachia, District Bhagalpur, in connection with Complaint Case No. 794/2015, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioner.
- ii. That the petitioner shall not indulge in any similar offence till conclusion of the trial.
- iii. The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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