IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48423 of 2018

Arising Out of PS. Case No.-71 Year-2018 Thana- SISWAN District- Siwan

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Dhananjay Kumar Singh S/o Ganesh Singh, R/o Vill.- Arjanipur, P.S.- M.H. Nagar, District- Siwan.

... ... Petitioner/s

Versus

The State Of Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar Sinha, Sr. Advocate
Mr.Abhinay Raj

For the Opposite Party/s : Mr.Sri Shyam Bihari Singh APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

7 09-04-2019 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 420,417,419,406,467,466 and 504/34 of the IPC.

The prosecution case got initiated with the filing of Complaint Case No. 5 of 2018 by Krishna Murari Singh, which came to be registered as Siswan (M.H. Nagar) P.S. Case No. 71 of 2018 on 17.4.2018 after the complaint being transferred under Section 156(3) of the Cr.P.C. The prosecution case is that the informant was known to Munna Singh, who conveyed to the informant that his brother, namely, Dhananjay Kumar Singh (petitioner) arranges for providing employment in abroad and on the advice of Munna Singh, the informant

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contacted the petitioner when Rupees Six Lacs was demanded for providing employment in abroad. Consequently, 54 people contacted for employment and the petitioner asked the informant to deposit Six Lacs Rupees and passport with his father and rest money was to be deposited in the bank account supplied by the petitioner. Consequently, Rs.4,10,000/- was deposited in the accounts provided by the petitioner. Ultimately, the petitioner called thirty persons apart from the informant and collected Rupees Four Thousand each candidate for medical check up and Rupees Fifty Four Thousand for air fare but on verification the Visa was found to be forged. Thereafter, neither the employment was provided nor the money was returned to the informant.

It is submitted by learned counsel for the petitioner that there is no proof with regard to the payment nor the account number has been given in which the money was allegedly deposited. It is further submitted that during investigation, no material has been collected suggesting that money has been deposited in any of the account of the petitioner. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP, after going through the case diary, submits

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that several witnesses who are also witnesses in the complaint, have stated about the collection of money by the petitioner at the rate of Rupees Six Lacs each candidate for providing employment in abroad. However, learned APP concedes that during investigation, it has not been found that any money was deposited in the account of the petitioner.

It appears that the informant was issued notice by a co-ordinate Bench of this Court vide order dated 24.8.2018. The office note dated 22.11.2018 reflects that the notices were validly served upon O.P. No. 2 but none has appeared on his behalf. Today also, none is appearing for O.P. No. 2.

Considering the fact that the informant and others tried to get employment through illegal means when there is nothing on record to suggest that any money was transferred in the bank account of the petitioner coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Siwan in connection with Siswan (M.H. Nagar) P.S. Case No. 71 of

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2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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