

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20747 of 2020

Arising Out of PS. Case No.-1771 Year-2014 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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GANESH THAKUR S/o Late Punit Thakur Resident of Village and P.O.-
Rajwara, P.S.- Sahebganj, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Singh
For the Opposite Party/s : Mr. J.N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-07-2020 The court proceeding has been conducted through
virtual mode.

Since, the physical court is not functional, due to
present pandemic Covid-19, the present application has been
listed with defects.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of
functioning of the court in physical mode.

If the defects are not removed within the said period,
the office will again place the matter on board.

Heard learned counsel for the petitioner and the
State.

The petitioner is apprehending his arrest in a



complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 420 of IPC.

The prosecution case, as per the complaint case filed by Shiv Nath Mahto is to the effect that co-accused Permanand Mahto offered to provide employment to the complainant abroad and for the same, demanded Rs. 70,000/- and subsequently money was given to co-accused Permanand Mahto on the shop of Co-accused Uma Sankar, who took the complainant to the house of the petitioner. Subsequently, the complainant was provided Visa with employment as a helper for which the complainant made protest to the effect that money was given for getting employment on a higher post but the employment has been provided for the lower post, thereafter, the complainant demanded back his money, but the money was not returned to him.

It is submitted by learned counsel for the petitioner that thrust of accusation is against co-accused Permanand Mahto and the money was given to him. There is no proof with regard to any payment made to the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.



Learned counsel for the State submits that finding the prima facie case true, learned Court below took cognizance against the petitioner also.

Considering the fact that thrust of accusation is against co-accused Permanand Mahto, there is no proof with regard to any payment made to the petitioner and the fact that the complainant wanted to get employment through illegal means as well as the statement made in paragraph no.3 of the petition to the effect that the petitioner is not having any criminal antecedent, let the petitioner above named be released on anticipatory bail for the present provisionally for a period of six months in the event of arrest or surrender before the learned Court below within a period of four weeks on furnishing one surety to the satisfaction of the learned SDJM, West, Muzaffarpur, in connection with Complaint Case No. 1771 of 2014.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.



Let the learned Court below issue notice to the complainant and on his appearance, if he brings on record any proof with regard to payment made to the petitioner through banking chain then the petitioner will surrender and pray for regular bail.

However, if the complainant fails to bring on record such proof, then the provisional bail of the petitioner will be confirmed by the learned Court below within four months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction of learned SDJM, West, Muzaffarpur., in connection with Complaint Case No. 1771 of 2014.

The learned Court below will be at liberty to extend the period of provisional bail further if the court proceeding in physical mode will not resume in next three months.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/Ashwini

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