

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 26133 of 2020**

Arising Out of PS. Case No.-309 Year-2017 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

-
1. VIMAL KUMAR JHA S/o Late Shiv Chandra Jha Resident of Village-Udapatti, P.S.-Musarigharari, District-Samastipur.
 2. Prashant Kumar Jha S/o Vimal Kumar Jha Resident of Village-Udapatti, P.S.-Musarigharari, District-Samastipur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Shree Dhiraj Choudhary S/o Shree Ramakant Chaudhary Resident of Village-Mathuarapur, P.S.-Ujiarpur, District-Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Vikram Dev Singh, Advocate
For the Opposite Party/s : Ms Pushpa Sinha, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 14-10-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioners and the learned APP for the State.

Petitioners apprehend their arrest in connection



with Complaint Case No 309 of 2017 instituted for the offence punishable under Section 420 of Indian Penal Code (for brevity, IPC).

The prosecution case alleges that the complainant has been cheated by the accused who, after taking money on the pretext of arranging employment in Railways, has neither arranged the employment nor has returned the money.

Petitioners' counsel submits that as per the allegations in the complaint petition, the offence under Section 420 of IPC would not be made out as the very object or the consideration was illegal and the same could not have been enforced in any legal manner. It is further submitted that the petitioners bear no criminal antecedent. It is a case of false implication to settle some money dispute between the parties.

Learned APP for the State has opposed the prayer for anticipatory bail.

In the facts and circumstances of the case, prayer of petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, before the Court below, within four (04) weeks from today, they shall be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of Sub Divisional Judicial Magistrate, Dalsingsarai, District - Samastipur in Complaint Case No 309 of 2017 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

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

Learned counsel for the petitioners is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

U		T	
---	--	---	--

