

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26314 of 2020

Arising Out of PS. Case No.-173 Year-2019 Thana- INDUSTRIAL District- Bhagalpur

ROSHAN KUMAR @ ROUSAN KUMAR Son of Birendra Yadav Resident
of Ward No. 10, P.S.- Kumardhand, District- Madhepura. Petitioner/s
Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad
For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 21-10-2020 Heard learned Counsel for the petitioner and learned

Additional Public Prosecutor for the State, through video

conferencing.

The petitioner apprehends his arrest in connection
with Industrial Area Police Station Case No. 173 of 2019,
registered for the offences punishable under Sections
406/420/467/468/ 471/34 of the Indian Penal Code.

The allegation, as per the First Information Report, is
that the informant noticed a pamphlet near Araria Zero Mile of
T.V.S. Company, on which a mobile number was displayed and
when the informant contacted on that mobile number, a person
assured him that he would arrange a job for him. It has further
been alleged that the informant, thereafter along with his brother
and cousin, who were also interested for job, came to Zero Mile
Chowk and contacted on the said mobile number, upon which,
the co-accused Pankaj Kumar Goswami came there along with



4-5 other persons and the accused persons took Rs. 6,150/- from the informant and his associates and handed over appointment letters of T.V.S. Mercandies Private Limited. It has further been alleged that altogether a sum of Rs. 19,650/- has been taken by the accused persons from the informant. It has further been alleged that when the informant tried to contact the accused persons through mobile, the call was not attended and after enquiry, the informant came to know that accused persons have cheated the informant and his brother by giving them false assurance of securing jobs for them. The informant further alleged that Pankaj Kumar Goswami along with the petitioner and other accused persons have cheated the informant and others in the name of securing jobs for them.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case inasmuch as no allegation has been levelled against the petitioner. He further submits that from perusal of the First Information Report, the mobile phone was of Pankaj Kumar Goswami and upon the call being made by the informant, it was Pankaj Kumar Goswami who had arrived at the spot and collected money from the informant and there is no allegation that the petitioner has received any money from the informant and others. He further



submits that the petitioner has got no criminal antecedent and there is no allegation that at any point of time, the petitioner induced directly or indirectly or made any false assurance for securing a job for the informant and others.

After having heard learned Counsel for the parties and taking into consideration the materials on record, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is allowed.

Accordingly, let the petitioner, above named, be released on bail, in the event of arrest or surrender before the learned Court below, upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, in connection with Industrial Area Police Station Case No. 173 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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