

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24042 of 2020

Arising Out of PS. Case No.-1434 Year-2019 Thana- SIWAN COMPLAINT CASE District-
Siwan

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SURESH MAHTO Son of Mohan Lal Mahto Resident of Village- Surwala,
P.S.- Tarwara, District- Siwan.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Basanti Devi Wife of Jairam Mahto Resident of Village- Lakridargha, P.S.-
Barhariya, District- Siwan.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Chandra
For the Opposite Party/s : Mr. Jharkhandi Upadhyay

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-10-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Shri Jharkhandi Upadhyay, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Complaint Case No. 1434 of 2019 for the offence registered under Sections 420, 406 and 120(B) of the Indian Penal Code.

The allegation is regarding the accused persons including the petitioner herein having conspired together and defrauded the complainant of a sum of Rs. 90,000/- on the pretext of



sending the son of the complainant overseas on employment visa, however, later on it transpired that the son of the complainant has been sent on tourist visa.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. It is further submitted that though the petitioner is accused in one other case but he is on bail in the said case. Lastly, it is submitted that even the statement of the complainant on solemn affirmation would show that admittedly there is no proof of any sum of money having been paid to the petitioner herein, thus the entire allegation is false.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the fact that there is no evidence on record to show, at the moment, that any amount had been paid by the complainant to the petitioner, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four



weeks from today, on 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, Siwan in connection with Complaint Case No. 1434 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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