

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14733 of 2021**

Arising Out of PS. Case No.-599 Year-2020 Thana- MAJHAULIA District- West Champaran

RAM BILAS YADAV S/O MATHURA YADAV R/O VILLAGE-BIRWA,
P.S-MAJHAULIA, DISTRICT-WEST CHAMPARAN.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr.Digvijay Kumar Ojha, Advocate
For the Opposite Party/s :	Ms. Veena Rani Prasad, APP
For the Informant :	Mr. Sanjeev Kumar Shrivastava, Advocate

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 24-07-2021

In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioner and the learned APP for the State as well as the learned Counsel for the informant.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Majhaulia PS Case No. 599 of 2020 registered under Sections 323, 341, 406, 420, 467, 468, 471, 504 and 506 of the IPC.

It is alleged that the informant has been allured by the petitioner in the name of providing government job. The petitioner has allegedly issued an appointment letter which was false and fabricated.

Learned Counsel for the petitioner submits that the prosecution is malafide. In fact the informant owes some money of the petitioner and to get over the liability prosecution has been launched. Further it is submitted that the petitioner has no criminal



antecedent and he is in custody since 6.12.2020.

Learned Counsel for the informant on the other hand submits that the petitioner has taken money for arranging job through his contracts in the Irrigation Department. Having allured the informant job has not been given to him and a false appointment letter issued.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, this Court would observe that even as per allegations made in the FIR it is apparent that the petitioner and the informant have indulged in an agreement for an illegal purpose. The Court would take notice of the fact that through illegitimate means the informant has tried to obtain employment in question and therefore he cannot cast liability on the petitioner.

The prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM West Champaran, Bettiah in Majhauria PS Case No. 599 of 2020 subject to the following conditions:-

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

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

(Madhuresh Prasad, J)

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