IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33901 of 2021

Arising Out of PS. Case No.-36 Year-2020 Thana- BHELDI District- Saran

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Deep Shikha Singh, Female aged about 30 years, Daughter of Rajesh Kumar @ Rajesh Bhardwaj, Resident of Flat No.606 West Boring Canal Road, Indraprasth Department Buddha Colony, Patna.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ansul, Advocate
For the State	:	Ms. Pushpa Sinha No. 1, APP
For the Informant	:	Mr. Bhavesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT
Date : 05-10-2021

Heard Mr. Ansul, learned counsel for the petitioner; Ms. Pushpa Sinha No. 1, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Bhavesh Kumar, learned counsel for the informant.

2. The petitioner apprehends arrest in connection with Bheldi PS Case No. 36 of 2020 dated 07.02.2020, instituted under Sections 406, 420, 467, 468, 471, 504 and 506/34 of the Indian Penal Code, 1860.

3. As per the FIR, the petitioner has got into an agreement with the informant for running a Special Project under the *Pradhan Mantri Kaushal Vikas Yojana* at two centres and the informant was to do the entire work for which the petitioner had

agreed to pay Rs. 5,600/- per person to the informant. It is alleged that despite having given training to 844 ladies and bill raised, only part payment had been made by the petitioner and an outstanding of Rs. 33,26,400/- remained to be paid. The informant further alleges that when he went to ask for the remaining money, he was threatened with dire consequences.

4. Learned counsel for the petitioner submitted that from the plain reading of the FIR, it is apparent that the matter relates to money dispute. It was submitted that if the informant had any claim with regard to any amount which according to him was due from the petitioner to him, the only remedy available was to approach the civil Court of competent jurisdiction in a money suit. Further, it was submitted that the informant, only to give criminal colour to the case has cosmetically alleged that the petitioner had abused him and had threatened him with dire consequences, which apparently appears to be false.

5. Learned APP, from the case diary, submitted that five witnesses have stated that though their Aadhar Card showing them to have received training had their details, but the photograph was different, which indicates that the transactions were sham and there has been fraudulent withdrawal of Government money.

6. Learned counsel for the informant also reiterated the submissions of learned APP and added that as per the FIR, there was a formal agreement between the parties on the basis of which there was apportionment of the amount which the Government gave for training every candidate and the petitioner having received the amount had not paid the due of the informant.

7. Learned counsel for the petitioner, at this juncture, interjected and submitted that even if it is taken for the sake of argument, without admitting it, that the Aadhar Card of various persons bore the photograph of a different person, such copies of Aadhar Card were not seized by the police from the petitioner's house but rather were given to them by the informant. It was submitted that this is not in dispute that the informant himself admits that he was supposed to do the entire training work for which the informant is said to have agreed to pay Rs. 5,600/- per candidate. Thus, learned counsel submitted that this clearly means that it was the informant who gave training and who had collected those Aadhar Cards and furthermore, it was he who had actually raised the bill for those persons and so whatever irregularity in the actual person who may have received training or a fictitious person in whose name the bill was raised, was solely the responsibility of the informant.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in view of a plain reading of the FIR itself, *prima facie* disclosing a civil dispute relating to money with cosmetic addition of abuse and issuance of threat as also the fact that even if the Aadhar Card on the basis of which claim for money was made coming from the side of the informant, as has been stated in the FIR itself, the Court is inclined to allow the prayer for pre-arrest bail .

9. Accordingly, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM 12th Saran at Chapra in Bheldi PS Case No. 36 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioner and (ii) that the petitioner shall co-operate with the Court and police/prosecution. Failure to co-operate shall lead to cancellation of her bail bonds.

10. It shall also be open for the prosecution to bring any violation of the foregoing conditions by the petitioner, to the

notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

11. The petition stands disposed of in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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