

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40979 of 2021

Arising Out of PS. Case No.-122 Year-2020 Thana- THAKRAHA District- West Champaran

Ashok Singh S/O Late Sri Raj Kishore Singh Resident of House No. 110,
Balaji Nagar, P.S.- Pilani, Distt.- Bhopal, Madhya Pradesh and native of
village- Shikta, Badgaon (Musrayi Tola), P.S.- Kubersthan, Distt.-
Kushinagar, Uttar Pradesh

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. P.K. Shahi, Sr. Advocate
Mr.Ashhar Mustafa, Advocate
For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-10-2021 Heard both parties.

The petitioner seeks bail in Thakraha P.S. Case No.
122 of 2020, registered for the offence punishable under Section
420 and other allied sections of the Indian Penal Code.

As per the prosecution case, petitioner is government
servant and posted as TTE in Indian Railway and the informant
has good relation with petitioner. The petitioner told the
informant that railway is going to allot vendors shop at different
railway stations and he would help and manage to allot the shop
in his name for which cash of Rs. 51,00,000/- was demanded by
him. On the assurance given by the petitioner, the informant
gave Rs. 35,00,000/- cash to the petitioner and also gave Rs.
10,00,000/- in the account of his wife, but neither the shop was



allotted in his name nor money was returned to him. When the informant went at the house of petitioner and demanded his money, petitioner and his wife abused, assaulted and threatened to kill him.

It is submitted on behalf of the petitioner that as per the FIR petitioner is alleged to have given the aforesaid money for doing illegal work, therefore, section, 406, 420 IPC is not made out. The petitioner is TTE in Railway and in no way connected or involved in allotment of shop. Informant has not given money to the petitioner and there is no chit of paper available on record which shows that petitioner has taken money from the informant. In fact, informant is land broker and asked this petitioner to purchase land for which altogether Rs. 16,50,000/- was taken by the petitioner in good faith in a span of two years. And after continued insistence and pressure forced to return part payment to the tune of Rs. 10,00,000/- (Ten lakh) which was credited in the account of wife of petitioner. Even in the non-judicial stamp paper dated 07.12.2013 does not bear the signature of petitioner. It is further submitted that even if allegation made in FIR are taken to be true it spells out dispute which is civil in nature with no ingredients of criminal offence. Petitioner is in custody since 17.02.2021 having clean



antecedent. Investigation is complete.

Considering the period of custody and clean antecedent of the petitioner, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate I, Bagaha, West Champaran in connection with Thakraha P.S. Case No. 122 of 2020.

(Prabhat Kumar Singh, J)

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