

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31691 of 2020

Arising Out of PS. Case No.-50 Year-2019 Thana- BEGUSARAI TOWN District- Begusarai

Bhola Jha, aged about 46 years (Male), Son of Late Dhananand Jha, resident of Village - Bela Simari, P.S.- Gangaur, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 16-03-2021

Heard Mr. Ravindra Kumar, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner apprehends arrest in connection with Town PS Case No. 50 of 2019 dated 24.01.2019, instituted under Sections 419, 420, 406, 120-B of the Indian Penal Code.

3. The informant has alleged that the petitioner, his wife and his maternal cousin as also Dharam Sah had taken rupees five lakhs from her to get job for her grand-son after introducing the wife of the petitioner as *Peshkaar* in the Khagaria Civil Courts, but the said did not materialize. It was further alleged that Dharam Sah had taken her to the



Corporation Bank from where rupees forty-nine thousand was withdrawn by her and given to him. The informant has further stated that the wife of the petitioner had given her I Card of Khagaria Court, PAN Card and Aadhaar Card and also the I Card of the petitioner, which was with her. Later on, it is alleged, that when she went to ask for money to be returned, she was beaten and abused.

4. Learned counsel for the petitioner submitted that this is a totally false case and the informant is in the habit of making such allegation as in the past also her daughter had lodged a case against the person in whose house she was working with similar allegation that she had been promised a job, which did not materialize, but the real reason was because of there being some dispute relating to rent. Learned counsel submitted that because of the good relationship, as the daughter of the informant was working in the house of the petitioner, which has been totally suppressed in the FIR, during the marriage of the son of the informant, they had prevailed upon jeweller Dharam Sah to give jewellery without taking immediate money for which later on rupees forty-nine thousand was given by the informant to Dharam Sah. It was submitted that the informant, in order to avoid making payment of her



remaining dues to Dharam Sah, has instituted the present false case. Learned counsel submitted that the wife of the petitioner is nowhere connected to the Khagaria Civil Courts and most importantly, it is unbelievable that any person would give his or her original I Card, PAN Card and Aadhaar Card to any other person. It was submitted that even during investigation, the same has not been produced before the police by the informant. Learned counsel submitted that the petitioner is a government teacher and has no criminal antecedent.

5. Learned APP, from the case diary, submitted that witnesses have supported the allegations. However, it was not controverted that it has come during investigation that the daughter of the informant had lodged a case against her earlier employer as also that before the police the said PAN Card, Aadhaar Card and I Card have not been produced by the informant.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, 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 Chief Judicial Magistrate, Begusarai, in Town PS Case No.50 of 2019, 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, (ii) that the petitioner shall cooperate with the Court/police/prosecution. Failure to cooperate shall lead to cancellation of his bail bonds.

7. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail 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.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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