

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31885 of 2020

Arising Out of PS. Case No.-280 Year-2016 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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VED PRAKASH PATHAK @ NANDAN PATHAK Son of Sri Jai Prakash Pathak @ Uday Pathak Resident of Village - Badgo, P.S.- Ramnagar, District - West Champaran.

... .. Petitioner.

Versus

1. The State of Bihar.
2. Harmangal Prasad Son of Late Kailash Prasad Resident of Village - Dumariya Estate, P.S.- Shikarpur, District - West Champaran.

... .. Opposite Parties.

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Appearance :

For the Petitioner	:	Mr. Umesh Chandra Verma, Advocate.
For the State	:	Mr. Sanjay Kumar Singh, A.P.P.
For the Complainant	:	Mr. Rohit Kumar Sharma, Advocate.

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

5 15-11-2021 The applicant/accused, in Complaint Case No.C-280 of 2016 filed by the second respondent herein for the offences punishable under Sections 420, 467, 468, 471, 323, 504, 506 of the Indian Penal Code, by filing this application is seeking regular bail during the pendency of the trial.

Heard learned counsel for the applicant/accused.

He argued that initially the applicant was released on pre-arrest bail but subsequently that order granting pre-arrest bail to him was recalled by this Court. He further argued that the entire case of the prosecuting party shows the illegal contract and, therefore, the applicant deserves to be released on



bail.

Against this application, learned counsel appearing for the second respondent herein submits that the entire transactions were made by the cheques and the applicant herein has cheated the second respondent and the witnesses of the prosecuting party by promising them for providing the job in the Railways.

I have considered the submissions so advanced and also perused the order recalling the pre-arrest bail as well as the order rejecting the bail.

The second respondent herein alleged in the complaint petition that he met the applicant. The applicant induced him to pay amount of Rs.4 lacs for getting the job to his candidates in the Railways. Believing that inducement, the second respondent paid an amount of Rs.2 lacs to the applicant through bank transaction. Acting on such inducement of the applicant, some other job seekers also paid the amount of Rs.18 lacs. That is how, according to the prosecuting party, the applicant/accused cheated the unemployed youths by promising them of providing the job.

The offence as alleged against the applicant is an anti social in nature. Severity of allegation and the materials in



support of the allegation are relevant consideration for determining whether the applicant/accused is entitled for bail.

In my considered view, a person, who had cheated unemployed youths by taking their hard earned money by alluring them with the government job can not be released on bail.

Repetition of similar nature of offence in future and non-availability of the applicant/accused for trial cannot be ruled out.

In this view of the matter, no case for grant of bail to the applicant/accused is made out. Application is rejected.

(A. M. Badar, J)

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