

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35383 of 2020

Arising Out of PS. Case No.-497 Year-2018 Thana- BARH District- Patna

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PRAHLAD KUMAR Son of Siya Saran Tanti Resident of Village - Kazi Chak, Barh, P.S.- Barh, District - Patna, Presently resident of flat no. 402, Aakanchha Radha Apartment, Harnichak, P.S.- Beur, District - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr. Sarva Deo Singh
	:	Mr.Md. Anjum Akhter
For the Opposite Party/s	:	Mr. Md. Sufiyan

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 24-03-2021 Heard Mr. Sarva Deo Singh, learned counsel for the petitioner and Mr. Md. Sufiyan, learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Barh P.S. Case No. 497 of 2018 instituted for the offences under Sections 419, 420, 468, 471 and 34 of the Indian Penal Code.

It has been alleged by the informant that one Nand Kishore Tanti had come to his house and assured him that he would have the informant employed as a Peon in the



Civil Courts. The informant was also made to understand that aforesaid Nand Kishore Tanti has a brother, namely, the petitioner, who is working in the Secretariat and he and his wife, both, have very high contacts. The informant has further alleged that he had talked with the petitioner on the telephone, who had also assured him that he should believe Nand Kishore Tanti and that his work shall be done. It has further been alleged in the F.I.R. that an appointment letter issued by the Registrar General of the High Court was also given to him for joining as a Peon in the Civil Courts but it was found that aforesaid appointment letter was fake.

Sixteen Lakhs is said to have been taken by aforesaid Nand Kishore Tanti for the purposes of providing employment to the informant.

Learned counsel for the petitioner has submitted that the petitioner is separate in mess and business from Nand Kishore Tanti, who is his elder brother. The petitioner is serving as an employee of the Secretariat but he is also making preparations for appearing in competitive examination conducted by the Bihar Public Service



Commissioner. Apart from this, it has been submitted that except for the stray statement of the informant that he had also talked with the petitioner at one point of time, who had assured that the promises made by the Nand Kishore Tanti is correct, there is no other transaction in which the petitioner is said to have participated.

Learned counsel for the petitioner has also drawn the attention of this Court to the fact that when the informant could not get any appointment, aforesaid Nand Kishore Tanti executed an agreement to return Rs. Sixteen Lakhs which he had taken for the aforesaid purpose.

In that agreement, there is no reference of any kind of the petitioner.

Learned counsel for the petitioner has further submitted that merely on such vague accusation that Rs. Sixteen Lakhs were paid to the brother of the petitioner for providing him a job in the Government, the petitioner cannot be prosecuted for the same.

Considering the afore-noted arguments and the facts of this case, the petitioner, above named, is directed to



be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Barh, in connection with Barh P.S. Case No. 497 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashutosh Kumar, J)

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