IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.37179 of 2020

Arising Out of PS. Case No.-83 Year-2020 Thana- JAHANABAD District- Jehanabad

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Laxman Kumar, Male, aged about 35 years, Son of Late Umesh Ray, Resident of Mohalla- Bhagat Singh Nagar, PS- Jehanabad, District- Jehanabad.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Namrata Mishra, Advocate

For the State : Mr. Binod Kumar No. 2, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date : 06-09-2021

The matter has been heard *via* video conferencing.

2. Heard Ms. Namrata Mishra, learned counsel for the petitioner and Mr. Binod Kumar No. 2, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Jehanabad PS Case No. 83 of 2020 dated 07.02.2020, instituted under Sections 406, 420,467, 468, 471 and 120B of the Indian Penal Code.

4. The allegation against the petitioner, who is the informant of the case, is that he was also involved in misappropriation of Rs. 9,35,000/- which was taken from persons who were studying in his coaching institute for procuring their employment.

5. Learned counsel for the petitioner submitted that he is the person who had lodged the FIR that persons had come and taken money for providing job but they had run away with the money, but surprisingly, the police have made him an accused also. Learned counsel submitted that during investigation, it has come that the money was taken not by the petitioner, but by others. It was submitted that the petitioner is a respectable person who runs a coaching institute and has no other criminal antecedent. Learned counsel submitted that the petitioner himself was duped by other accused and that is why he was the person who had instituted the FIR.

6. Learned APP, from the case diary, submitted that it was the petitioner who had taken money from the students and he was also running a coaching institute in which the students were studying. He submitted that during investigation it has come that the petitioner had collected money on behalf of other co-accused on the plea of providing them with job. Thus, it was

submitted that the petitioner cannot claim innocence since he was instrumental in collecting money for a completely illegal purpose, that is, procuring government job, which is not a purchasable commodity as it is strictly based on merits after undergoing a procedure prescribed in law. It was submitted that witnesses have also stated with regard to the petitioner taking money and most importantly there is documentary proof of money having been transferred in the account of the petitioner whereas there is no evidence whatsoever with regard to the petitioner having paid other persons.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds that there is sufficient indication about the involvement of the petitioner in the crime and most importantly the fact that admittedly the petitioner had taken money from the students on the plea of providing them job, which he could not have done, fully well knowing that the said job was pursuant to a prescribed procedure in law and could not have been purchased on the basis of money.

8. In the aforesaid background, the Court is not inclined to grant pre-arrest bail to the petitioner.

9. Accordingly, the petition stands dismissed.

10. Interim protection granted to the petitioner under order dated 09.07.2021 stands vacated.

(Ahsanuddin Amanullah, J)

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