

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40437 of 2020

Arising Out of PS. Case No.-104 Year-2019 Thana- PARBATTa District- Khagaria

SARWAN KUMAR @ SRAWAN KUMAR S/o Mohan Paswan Resident of
Village- Sitarampur, P.S.- Sultanganj, Distt- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dr. Shashi Shekhar Kishore

For the Opposite Party/s : Mr. Ram Bilash Roy Raman

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 22-07-2021 As prayed for, let the learned counsel appearing for the petitioner remove the defect(s), as pointed out by the office vide its notes dated 26.12.2020, within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State through video conferencing.

The petitioner apprehends his arrest in connection with Parbatta P.S. Case no. 104 of 2019, registered under Sections 406, 420, 504 and 506/34 of the Indian Penal Code.

The accusation is that petitioner Sarwan Kumar and one Vivekanand Paswan took cash of Rs. 6,00,000/- from the informant Ramesh Kumar Paswan for getting his admission in medical college in the year 2012-13, but, the admission in medical college was not succeeded. Thereafter, informant



asked the petitioner and Vivekanand Paswan to return the aforesaid money, then Sarwan Kumar (Petitioner) entered into an agreement on 31.05.2017 to return the said money and Vivekanand Paswan put his signature in the aforesaid agreement, as witness. After one month, Rs. 2,00,000/- was returned to the informant and when he approached to the petitioner and Vivekanand Paswan to return the remaining amount then petitioner threatened him for dire consequences and Vivekanand Paswan also did not take any heed to return the said money.

Learned counsel for the petitioner submits that while it is alleged in the F.I.R. that cash of Rs. 6,00,000/- was taken by the petitioner and Vivekanand Paswan for getting admission of the informant in medical college, but, the agreement, which is said to be executed by petitioner to return the money with detailed that petitioner had taken loan from the informant. Moreso, the signature of the petitioner in the agreement is forged and fabricated. Further submission is that co-accused Vivekanand Paswan has already been allowed privilege of pre-arrest bail by this Court on 30.07.2019 vide Criminal Miscellaneous No. 47154 of 2019. The petitioner has no criminal antecedent.



Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M-1st, Khagaria in connection with Parbatta P.S. Case No. 104 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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