

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11346 of 2021**

Arising Out of PS. Case No.-173 Year-2019 Thana- INDUSTRIAL District- Bhagalpur

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KUNDAN KUMAR @ KUNDAN KUMAR YADAV SON OF PRAMOD
YADAV RESIDENT OF VILLAGE- DAFARPUR, BARAHAT, P.S.-
BARAHAT, DISTRICT- BANKA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya

For the Opposite Party/s : Mr. APP

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

2 21-12-2021 Heard the learned counsel for the petitioner and

the learned APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Industrial Area P.S. Case No. 173
of 2019 instituted for the offences under Sections 406, 420,
467, 468, 471 and 34 of the Indian Penal Code.

A peculiar F.I.R. has been lodged alleging that
while the informant was at a tea shop, he could lay his
hands upon a pamphlet of new T.V.S. company with a
mobile number printed on the same. When he contacted on
that mobile phone, he was made to understand that he can
obtain employment and for which he was required to come



to a particular place. The informant went along with his two associates, one being his brother, to meet the person who had responded on the telephone and had disclosed his name as Pankaj Kumar Ghoshal. On his asking, the informant gave him Rs. 6150/- and in several installments, further paid Rs. 19650/-. Later, aforesaid Pankaj Kumar Ghoshal stopped responding to the telephone calls of the informant. The informant grew suspicious and thereafter went to meet him. There, he learnt that aforesaid Pankaj Kumar Ghoshal along with his associates including the petitioner have conspired and cheated the informant and others.

Learned counsel for the petitioner has submitted that an extreme naivete has been displayed by the informant. The petitioner has been made accused in this case only because he is known to the main accused of this case, namely, Pankaj Kumar Ghoshal against whom there is allegation of taking money from the informant on the pretext of providing him a job. It has further been submitted that one of the accused persons having similar allegation as that of the petitioner has been allowed anticipatory bail by this



Court vide order dated 05.08.2021 passed in Cr. Misc. No. 3949 of 2021.

Regard being had to the afore-stated facts, 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 Chief Judicial Magistrate, Bhagalpur, in connection with Industrial Area P.S. Case No. 173 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashutosh Kumar, J)

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