

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 73556 of 2019

Arising Out of PS. Case No.-25 Year-2019 Thana- GANDHIMAIDAN District- Patna

Raushan Kumar, aged about 37 years, Male, Son of Late Lal Das Prasad, a resident of Mohalla- Gulzarbagh Hat, Station Road, Police Station- Alamganj, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ravi Shankar Kumar, Son of Sudheshwar Rajak 101, Vrindavan Apartment
P.S. Gandhi Maidan, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Mouar, Advocate
For the Opposite Party/s : Dr. Mrityunjaya Kumar Gautam, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 01-11-2021 Heard Mr. Arvind Kumar Mouar, learned counsel appearing on behalf of the petitioner and Dr. Mrityunjaya Kumar Gautam, learned counsel appearing on behalf of the State.

Petitioner seeks pre-arrest bail in connection with Gandhi Maidan P.S. Case No. 25 of 2019, dated 08.01.2019 registered for offence punishable under Sections 420, 406, 504, 506, 467, 468, 471, 120(B) of the Indian Penal Code.

The prosecution case in brief is that the petitioner on the assurance of providing job alleged to have collected Rs.13,91,000/- in cash aswell in Bank account, from the complainant along with other accused persons named in the



FIR.

Learned counsel appearing on behalf of the petitioner submits that he has clean antecedent and has not been involved in any such illegal act. He further submits that no specific allegation has been attributed against the petitioner. He further submits that the complaint has been filed on 08.01.2019 after inordinate delay without giving any reasons for same. The alleged occurrence, had taken place in June, 2016. He submits that in a planned manner he has been dragged in a false case. He further submits that the story of making payment of Rs.13,91,000/- is concocted one. Learned counsel further submits that petitioner is neither an employee of FCI nor can be held responsible for not providing job in FCI, which is a Government undertaking.

Learned counsel appearing on behalf of the petitioner has given out further fact that inspite of the notices being sent on the address mentioned in the complaint and FIR the complainant has not been found to be residing on the said address.

On perusal of order of this Court dated 21.11.2019, petitioner had taken steps to issue notice to the complainant on the address mentioned in the complaint petition as well as in the



FIR, however, it appears from the office notes that the process server could not meet with the opposite party no. 2/complainant at given address. It has further been reported that the apartment was locked and as per local people addressee has already left the place two years ago. The office note dated 21.11.2019 is at Flag-A.

As a consequence of the fact that the complainant upon whom notices were issued is not traceable at the address as contained in the complaint petition/FIR nor has informed the Court below about his changed address, this Court directs the Court below to issue notice to the complainant on his changed address. If the complainant is not traceable and located steps be taken by the Court below to direct the Senior Superintendent of Police, Patna to take all measures to produce the complainant in accordance with law.

Having considered the facts and circumstances of the case, it is directed that the petitioner be released on bail on furnishing bail bonds of Rs. 50,000/- (Fifty thousand) with two solvent sureties of the like amount to the satisfaction of the learned A.C.J.M.-XVII, Patna., where the case is pending in connection with Gandhi Maidan P.S. Case No. 25 of 2019.

This order will remain operative subject to the



compliance of the provisions of sub-section 2 of Section 438 of the Cr.P.C. and also on the following condition of the bonds extended by the petitioner.

(I) The petitioner will co-operate in the investigation.

(ii) The petitioner will not indulge himself in extending inducement, threat and shall not commit any offence similar or any other offence.

(iii) The petitioner will not leave India without prior permission of the Court.

Accordingly, the application stands disposed off in the aforementioned terms.

(Purnendu Singh, J.)

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