

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2968 of 2022

Arising Out of PS. Case No.-895 Year-2019 Thana- KANKARBAG District- Patna

BHIRGUNANDAN SHARMA Son of Late Chandeshwar Sharma R/o Village
Bhori, P.S.- Tekari, District - Gaya.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. NipuKumar Son of Sri Ramji Sharma R/o Mohalla Ashok Nagar Road No.
14-B, P.S. - Kankarbagh, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate
For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that petitioner on pretext of getting him appointed on the post of Clerk in a college, took Rs. 4,60,000/- but neither returned money nor the informant got the job.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case,



petitioner was In-charge Principal of the said college as specifically pleaded in Para-8 of the anticipatory bail application and as such he does not had any power to make appointment, it is further submitted that on account of group rivalry in the college, the present false case came to be instituted. The learned counsel for the petitioner next makes a very interesting submission to submit that even presuming what has been alleged in the FIR is true then the informant himself becomes an accomplice in the crime for the reasons that he was trying to obtain a job based on bribe through back door method in clear breach of Article-16 of the Constitution of India. The learned counsel next submits that even the allegations are vague and cryptic as it does not disclose that in whose presence the payments were made, further the post of Clerk in the college was reserved for women and as such a man could not have been appointed on the the said post. The date of occurrence of giving money is 03.01.2017 and the FIR came to be instituted on 09.09.2019, the informant was well aware that the post for which he had given bribe for getting appointment was meant for women, this in itself demonstrates that no such money was given to the petitioner later the informant on account of some internal college politics by way of afterthought got the petitioner



implicated in the present false case.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Kankarbagh P.S. Case No. 895 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C

(Satyavrat Verma, J)

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