

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11792 of 2022

Arising Out of PS. Case No.-578 Year-2020 Thana- PATNA COMPLAINT CASE District-
Patna

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Jawahar Pradhan Son Of Sri Subodh Pradhan Resident Of Village -
Mohammadpur, P.S.- Benipatti, Distt.- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kaushalya Devi W/o Bishwanath Prasad Resident of Village - Salimpur
Ahara Lane, Behind R.B.I. Kadamkuan, P.S.- Gandhi Maidan, Distt.- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arjun Kumar, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 22-11-2022 Heard learned counsel for the petitioner, learned
counsel for the Complainant and learned APP for the State.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 467, 468 and
120(B) of the Indian Penal Code.

Allegedly, petitioner took dealership of Petrol Pump on
the basis of forged nomination and affidavit reportedly made by
complainant, Kaushalya Devi in favour of the petitioner. It is
further alleged that there was condition in the Advertisement
published on 06.08.2003 by the then IBP Company Ltd. that the
bidder should be land owner/nominee for consideration of
candidature but the petitioner without being land owner/nominee
got the dealership of the Petrol Pump on the forged nomination by



the complainant. It is further alleged that earlier the complainant had filed an application against the above advertisement of the then IBP Company for getting dealership but she withdrew the same knowing the fact that she is not fulfilling the criteria and also she did not nominate anyone in her place. The complainant had also filed Eviction Suit No.01 of 2020 in the court of Sub Judge 1, Benipatti (Madhubani) to pass a decree of eviction in her favour and against the petitioner to vacate the land, upon which the retail outlet (Petrol Pump) is situated.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case since the complainant Kaushalya Devi was not fulfilling the required criteria, as per the policy circular of the IBP Company Limited, being the husband of Kaushalya Devi already owner of a petrol pump, she withdrew her candidature and nominated the petitioner for dealership and facilitated all the things to get the dealership in his name on the land purchased by her through sale deed dated 23.01.2004 from the original owner of the land and executed a lease for twenty years with right to establish retail outlet in favour of the present petitioner vide Notarized Lease Deed dated 27.01.2004 and thereafter she sworn an affidavit dated 28.01.2004 stating therein that she had purchased the land through a sale deed and leased out the said purchased land to the petitioner for his use.



He further submits that the petitioner being a nominee of the complainant, applied for the dealership of petrol pump on the selected land on 29.01.2004 and appeared before the erstwhile IBP Company for interview on 31.01.2004 before the Selection Board/Committee and the Committee giving weightage to the points, selected the candidature of petitioner for getting dealership. He also submits that petitioner waited for years, in the meanwhile, IBP Company merged with Indian Oil Corporation and as per the merger guidelines, petitioner became entitled to get the dealership from Indian Oil Corporation Ltd. and since the month of February, 2008, the supply of the petrol started to the out let of the petitioner and commissioning started and after smooth running of the retail outlet MS/HSD ("B" site) RETAIL OUTLET DEALERSHIP, an agreement was entered into between the Indian Oil Corporation Ltd. and the petitioner. He further submits that as per the policy circular of the then IBP Company Limited, petitioner is only a nominated candidate of the complainant and he was issued Letter of Intent (LOI) validly by the then IBP Company Limited. He further submits that petitioner is suffering from severe illness and underwent brain surgery and also since the matter relates to the year 2004 and now after a lapse of 17 years, it has become old and neither the petitioner nor complainant can present any documents in this regard.



Learned APP appearing for the State opposed the anticipatory bail and submitted that the petitioner was neither applicant nor having any land and there was no any nomination clause in the advertisement and not executed any lease deed or affidavit in favour of the petitioner but with the conspiracy of the officials of the company, the dealership of the Petrol Pump was allotted.

Considering the aforesaid submissions, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Ms. Kirti Prasad, Judicial Magistrate, Ist Class, Patna/concerned Court in connection with Complaint Case No. 578(C) of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

Brajesh Kumar/-

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