

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21156 of 2022

Arising Out of PS. Case No.-189 Year-2021 Thana- NASRIGANJ District- Rohtas

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1. RAJU KUMAR @ RAJU PASWAN Son of Late Raghunandan Ram @ Bhola Ram
 2. RAJESH KUMAR @ GOLU PASWAN Son of Raju Kumar @ Raju Paswan
Both Resident of Village - Hariharganj, P.S.- Nasriganj, Distt.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Advocate

For the Opposite Party/s: Mr. Arun Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-08-2022 Learned counsel for petitioners, at the outset, seeks permission to withdraw the prayer for anticipatory bail with respect to petitioner no. 1.

Permission is accorded.

Heard learned counsel for the petitioner no. 2 and learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period of four weeks.

The petitioner no. 2 apprehends his arrest in a case registered for the offences punishable under Sections 406, 420, 467, 341, 323, 468 and 471/34 of the Indian Penal Code.

Learned counsel for the petitioner no. 2 submits that petitioner no. 2 is a young boy, aged about 19 years and is a person with clean antecedent.



The informant alleges that Raju Kumar had taken Rs.4,00,000/- from him in the name of giving him a job, accordingly, the informant transferred the amount as detailed in the FIR and even gave Rs.1,50,000/- by way of cash to Raju Kumar. It is alleged that the accused persons similarly cheated the other villagers in the name of giving job by taking money from them. It is alleged that when the informant went to ask for his money Raju Kumar was abused and assaulted.

Learned counsel for the petitioner no. 2 submits that it would be a travesty of justice in the event if the anticipatory bail application of the petitioner no. 2 is rejected. It is next submitted that it would amount to give premium to such litigants who in the name of seeking appointment tries to get appointment through back door. It is next submitted that if the accused persons committed an illegality in taking money in the name of giving job then the informant and people giving money were no less culpable as they readily agreed to part with money for seeking job through illegal means. Learned counsel next submits that an illegality cannot be countenanced by another illegality. Learned counsel next submits that as far as the petitioner no. 2 is concerned, he is not alleged to have taken money nor it is alleged that the informant or person similarly situated like him had given any money to the petitioner no. 2. It is next submitted that as far as the petitioner no. 2 is con-



cerned, he is son of Raju Kumar (petitioner no. 1), as such, petitioner no. 2 has been falsely implicated in the present case to create pressure upon his father by alleging that he also abused and assaulted. It is next submitted that the allegations are vague and cryptic.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner no. 2.

Considering the submissions made by the learned counsel for the petitioner no. 2, the petitioner no. 2 above-named, in the event of his arrest or surrender before the learned Court below 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 court below where the case is pending/successor court in connection with Nasriganj P.S. Case No. 189 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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