

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33223 of 2022

Arising Out of PS. Case No.-12 Year-2022 Thana- BHORE District- Gopalganj

SAURABH KUMAR @ CHANDAN YADAV @ CHANDAN KUMAR
YADAV Son of Surendra Chaudhary Resident of Village - Madarwani, P.S.-
Phulwariya, Distt.- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sandeep Kumar Gupta Son of Rajkumar Sah Resident of Village - and P.O.-
Hussepur, P.S.- Bhorey, Distt.- Gopalganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Suresh Prasad Bhakta, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar, A.P.P.
	:	Mr. Lokesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-11-2022 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

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

The informant alleges that petitioner duped several persons in the name of providing government jobs and private jobs, it is next alleged that informant gave Rs. 4,00,000/- and Rs. 2,000/- in cash and Rs. 98,000/- in his account, further, when job was not provided and the informant asked for his money and certificates, he was threatened and abused.

Learned counsel for the petitioner submits that



petitioner is a person with clean antecedent and has been falsely implicated in the present case, it is next submitted that as far as allegation of giving Rs. 4,02,000/- to the petitioner in cash is alleged the same is general and omnibus in nature as no date time has been given, it is next submitted that as far as allegation of crediting Rs. 98,000/- in the account of the petitioner in his Punjab National Bank account at Bhore is alleged, the same is also falsified for the reason that petitioner does not have any account in Punjab National Bank, Bhore. Learned Counsel further submits that it absolutely does not stand to reason that how the informant parted with money in name of job, it is further submitted that giving and taking bribe both is an offence, it is further submitted that date of occurrence is 20.07.2016 and 19.08.2016 but the complaint case came to be instituted on 25.09.2021 i.e., five years after the date of occurrence based on which the present FIR has been instituted.

Learned A.P.P. for the State and the learned counsel for the informant opposes the prayer for anticipatory bail of the petitioner but are not able to meet the submissions of the learned counsel for the petitioner that as far as giving money in cash is alleged, the same is general and omnibus in nature and there is delay in instituting the complaint case without any plausible



explanation and also that petitioner does not have a bank account in Bhore Branch of Punjab National Bank.

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. 10,000/- (Rupees Ten 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 Bhore P.S. Case No. 12 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

HarshPandey/-

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