

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35681 of 2022

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

RAKESH KUMAR Son of Parma Yadav @ Parma Chaudhary Resident of
Village - Gosai Manjha, P.S.- Phulwariya, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, A.P.P.

Mr. Lokesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-11-2022 Heard learned counsel for the petitioner, learned
counsel for the informant 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
petitioner is a person with clean antecedent and 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. 4,02,000/- in cash and Rs. 98,000/- in
the account of the person as detailed in the F.I.R. further, when
the 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 has been falsely implicated in the present case, it is next submitted that as far as allegation of giving Rs. 4,02,000/- 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 Saurabh in his Punjab National Bank account at Bhore is alleged, the same is also falsified for the reason that Saurabh does not have any account in Punjab National Bank, Bhore.

Learned Counsel for the petitioner 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 next submitted that since the informant wanted the job through back door as such he parted with the money which is also an offence, it is next 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. It is also submitted that Saurabh Kumar has been granted anticipatory bail by order dated 25.11.2022 in Criminal Miscellaneous No. 33223 of 2022.



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 rebut the submissions of the learned counsel for the petitioner that there was delay in instituting the complaint case and also the co-accused has been granted anticipatory bail.

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)

Rishabh/-

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