

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44363 of 2021

Arising Out of PS. Case No.-54 Year-2020 Thana- KASIMBAZAR District- Munger

Anand Kumar Sharma Son Of Late Jawahar Lal Sharma Resident Of Village -
Puranigunj, Durga Asthan, P.S.- Kasimbazar, Dist.- Munger.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nagmul Hodda, Advocate Mr. Swapnil Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. M.K.Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-06-2022 Let the defects, if any, be removed within four weeks from today.

Heard Mr. Nagmul Hodda, learned counsel for the petitioners as well as Mr. M.K.Nirala, learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with Kasim Bazar P.S.Case No. 54 of 2020 registered for the offences punishable under Sections 420, 406, 506/34 of the Indian Penal Code.

As per prosecution case, it is alleged that informant came to know that earlier the petitioner managed to get the appointments of several persons in government job and on the pretext of giving appointment to the son of the informant,the



informant had given altogether 73,000/- to the petitioner on various dates in the year 2017.

At the outset, learned counsel for the petitioners submits at the bar that as per his information till date the process under Sections 82/83 of the Cr.P.C have not been issued.

It is submitted by the learned counsel for the petitioner that accusation against the petitioner is that he has taken amount from the informant on false assurance of providing employment to her son but the fact is the amount was taken as a loan and this fact is corroborated by the acknowledgment made by the petitioner as contained in Annexure-2 to this application. It is further submitted that the amount which is said to have taken by the petitioner was given way back in the year 2017 and the present FIR has been instituted on 13.02.2020. It is lastly submitted that from the reading of the FIR as well as acknowledgment made by the petitioner, no case is made out under section 420 and 406 of the Indian Penal Code. It is lastly submitted that this petitioner has clean antecedent.

On the other hand, learned APP for the State opposes the bail application of the petitioners and submits that petitioner had taken money from the informant by giving false assurance



of providing employment to her son.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the occurrence which was taken place way back in the year 2017 the FIR has been instituted after three years and further acknowledgment made by the petitioner does not corroborate the prosecution case and the petitioner is carrying clean antecedent, let the petitioner above named, be released on bail, in the event of his arrest or surrender before the court below within eight weeks from today, on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Munger in connection with Kasimbazar P.S.Case No. 54 of 2020 subject to the conditions as laid down under Section 438(2) of the code of Criminal Procedure with the following conditions:-

(I) One of the bailors should be the close relatives of the petitioner.

(ii) The petitioner will cooperate in the investigation as well as in conclusion of the trial.

(iii) He will not try to tamper with the evidence or intimidate the witnesses in course of investigation or during the



course of trial.

N.K/-

(Harish Kumar, J.)

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