

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36591 of 2022**

Arising Out of PS. Case No.-173 Year-2021 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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1. Prabhakar Pandey S/O Dhruvdeo Pandey Resident Of Village- Jhilwania, P.O.- Gaura, P.S.- Kateya, District- Gopalganj.
 2. Dhruvdeo Pandey @ Dhruvdeo Pandey S/O Late Ram Kishun Pandey Resident Of Village- Jhilwania, P.O.- Gaura, P.S.- Kateya, District- Gopalganj.

... .. Petitioners

Versus

1. The State Of Bihar
2. Avinash Pandey S/O Uma Shankar Pandey Resident Of Taraiyasujan Kari Shahi Ka Tola, P.O. And P.S.- Taraiya Sujan, District- Kushinagar, U.P.

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr.Prince Kumar Mishra, Advocate
For the Opposite Party	:	Mr.Arun Kumar Singh, Addl Public Prosecutor
For opposite party no.2	:	Mr. R.K. Pandey and RK Thakur, Advocates

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 07-11-2022 Heard learned counsel for the petitioners, the State and the informant.

Petitioners apprehend their arrest in a case registered for the offence punishable under Sections 420/417 of the Indian Penal Code.

As per the prosecution case, on the pretext of providing job in the shipping company, petitioners, who are son and father respectively, cheated Rs.3.75 lacs of the informant.



Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case as no such amount was ever deposited in the account of the petitioners. Moreso, complainant has not produced any evidence to substantiate his claim that he deposited the aforesaid amount on the instruction of petitioners. Petitioners have got no criminal antecedent.

Learned counsel appearing for the State as well as the complainant oppose the prayer for bail. Learned counsel for the complainant, controverting the submission of the petitioners, claims that the entire amount was transferred to the account of the petitioners.

It is well settled that offering illegal gratification to someone for getting job is itself illegal. In such a situation, complainant cannot seek protection of law.

Considering the submissions of the petitioners and the complainant as also the aforesaid provision of law, in the event of arrest/surrender within six weeks from today, let the petitioners, named above, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Judicial Magistrate 1st class, Gopalganj in C.Case No. 173 of 2021/Trial No.2043 of



22, subject to the conditions laid down under sections 438(2) of
the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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