

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.41582 of 2022**

Arising Out of PS. Case No.-180 Year-2022 Thana- SHASTRINAGAR District- Patna

MD. HUSSAIN S/o Md. Roja @ Roja R/o village- Basahiya Shekh, P.S.-  
Piparahi, District- Sheohar, Presently residing at Sangam Apartment, 4th  
Floor, Flate No. 404, Samanpura, P.S.- Shashtri Nagar, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Kumod Kumar Shrivastaw, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      22-09-2022                      Heard learned counsel appearing on behalf of the  
petitioner and learned counsel appearing on behalf of the State.

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

Learned counsel for the petitioner is permitted to  
make necessary correction in paragraph no.1 of the present bail  
petition, during course of day.

The petitioner seeks bail in connection with Shastri  
Nagar P.S. Case No. 180 of 2022 registered for the offence  
under Sections 417, 418, 419, 420 and 120(B) of the I.P.C.

The accused/petitioner is named in the F.I.R. and is in  
custody since 09.04.2022.

The allegation against the petitioner is to cheat



informant and others by way of impersonation against false promise to provide a job of nursing in IGIMS, Patna against Rs. 50,000/- per candidate.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been falsely implicated in present case for the reason of local official dispute, as he worked as a ward boy on contract basis in IGIMS. It is further submitted that the petitioner while parking his motorcycle in normal course at designated place, apprehended in connection with present case. It is also submitted that no actual transaction, as alleged, was ever taken place, therefore, the ingredient of inducement is not complete, making allegation, maximum of attempt. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that the transaction of cash is absent in present case, as per F.I.R.

Considering the facts and circumstances as mentioned above, as in absence of transaction, allegation appears



maximum of attempt, where, petitioner is a man of clean antecedent coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Shastri Nagar P.S. Case No. 180 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.- 4<sup>th</sup>, Patna/concerned court, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be deponent of the present bail petition.”

**(Chandra Shekhar Jha, J)**

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