

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42308 of 2021

Arising Out of PS. Case No.-152 Year-2018 Thana- INDUSTRIAL AREA District- Vaishali

RAKESH KUMAR TIWARY, Son of Late Triyuginath Tiwary, Resident of Village - Haraji, P.S.- Dighwara (Wrongly mentioned as Autarnagar), District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur, Advocate
For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 09-05-2022 Heard learned counsel for the petitioner and learned APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Hajipur Industrial Area P.S. Case no. 152 of 2018 instituted for the offence under Sections 409, 420/34 of the Indian Penal Code.

As per allegation in the FIR, some accused persons are running a business of providing flats, residential buildings etc. and having an office at Hajipur in the name of Armosia Buildcom Pvt. Ltd. (Apna Sansar). Petitioner is supervisor in the alleged construction company. Informant had booked an unit on the total amount of Rs. 16,51,000/- and given a total amount of



Rs. 8,26,000/- as token money for which he has received proper receipt. Further informant has given Rs. 5 lakh in cash for which company has not given any receipt and by this way accused persons in connivance with the petitioner cheated the informant. When the informant demanded his money back, accused persons has abused and given him life threatening.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. Petitioner is a paid employee and was working in the capacity of field supervisor of the Company at the alleged time of occurrence. In the year 2018, petitioner had resigned from the company due to non-payment. All payments have been made to the Company's account through cash or demand draft.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Hajipur Industrial Area P.S. Case no. 152 of



2018, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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