

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43716 of 2022

Arising Out of PS. Case No.-394 Year-2021 Thana- AURANGABAD TOWN District-
Aurangabad

=====

Vivek Kumar S/o Sanjay yadav Permanent Resident of Village - Adopur, P.S.-
Anti, District - Gaya. Presently Residing at Mohalla- Gandhinagar,
Aurangabad, P.S.- Town, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Aurangabad Town P.S. Case No. 394 of 2021 registered for the
offences punishable under Sections 406, 420 and 34 of the
Indian Penal Code.

As per the prosecution, co-accused Abhishek Kumar
had duped the informant of Rs. 22,08,100/- and Rs. 1,50,000/-
respectively (Total amount Rs. 23,58,100/-) in the name of
providing a franchise of a mobile company and the petitioner



was alleged to be involved in the alleged cheating.

The main submissions advanced by learned counsel Mr. Sanjeev Kumar for the petitioner are that the alleged occurrence relates to misappropriation of money for which maximum punishment is three years and moreover against the petitioner there is no any allegation except receiving Rs. 1,50,000/- from the informant at the direction of co-accused Abhishek Kumar who happens to be the brother of this petitioner. Further submission is that the petitioner has clean antecedent and is languishing in jail since 29.05.2022.

Learned APP Mr. Yogendra Kumar appearing for the State has opposed the bail prayer.

In view of the above submissions and mainly considering the facts that the main allegation of cheating as well as misappropriation of money is against the co-accused Abhishek Kumar who happens to be the brother of this petitioner and as per the allegation made in the FIR the petitioner simply received Rs. 1,50,000/- from the informant which was given to him by the informant at the direction of petitioner's brother and the petitioner has clean antecedent in the opinion of this Court a lenient approach can be taken in respect of petitioner's prayer, let the petitioner be released on bail on



furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in Connection with Aurangabad Town P.S. Case No. 394 of 2021.

(Shailendra Singh, J.)

Prashant/-

U		T	
---	--	---	--

