

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11137 of 2021

Arising Out of PS. Case No.-83 Year-2020 Thana- JAHANABAD District- Jehanabad

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Gautam Kumar, aged about 28 years, male, S/o Satish Kumar, Resident of
Village- Sohsa, P.S.- Kinjer, District- Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nitya Nand Neeraj, Adv.

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 24-02-2022 Heard the counsel for the parties.

The petitioner seeks bail in anticipation of his
arrest in connection with Jehanabad P.S. Case No. 83 of
2020, dated 07.02.2020, instituted for the offences under
Sections 406, 420, 467, 468, 471 and 120(B) of the Indian
Penal Code.

A coaching institute owner is said to have been
approached by the petitioner and one Mukul to impress upon



him that in case money is transacted, the students taking coaching classes could be accommodated in Military Engineering Service. The aforesaid two persons which included the petitioner also projected that if the answer of the informant was in the affirmative, he would introduce the concerned students and the informant to his senior officer. Several lacks of rupees were collected and given to one Mugal and one Sanjeev @ Pappu. The informant and the aspirants harboured some hope of getting employment as they were also sent for medical check-up before the employment letter could be given to them. However, later it was all found that it was fictitious. When the informant went to take back his money as none of the aspirants could be provided with jobs, it is alleged that the petitioner, who was one of the occupants in a car, brandished his weapon and even refused to recognize the informant.

It has been submitted on behalf of the petitioner that the only allegation against him is that he along with aforesaid Mugal had, first, approached the informant for giving employment to the students taking classes in such



coaching institute of the informant. Thereafter, the petitioner was not to be found or spoken of when the money per head of students was given to Mugal and Sanjeev @ Pappu. Later also, the name of the petitioner never surfaced in any transaction whatsoever. Only in the last part of the accusation has it been stated that the petitioner threatened the informant and others for not agitating about return of the money.

It has further been submitted that thus even if the accusation is accepted to be true, the offences under Sections 406, 420, 467, 468 and 471 of the I.P.C. cannot be said to have been made out against him. The informant of this case has also been made an accused in this case as he had been bungling in the matter. Lastly, it has been submitted that because of the village rivalry, the petitioner has been made accused in this case.

After having gone through the F.I.R. where the petitioner has been named as one of the two persons who had tried to impress upon the informant that jobs will be provided to the aspirants in the coaching institute and later,



the allegation of threatening the informant and others for not demanding their money back, I am not inclined to grant anticipatory bail to the petitioner, notwithstanding the fact that he is not shown to have been present when the money exchanged hands.

The prayer for grant of anticipatory bail to the petitioner is, accordingly, rejected.

However, if he surrenders before the Court below and seeks bail, the Court below shall consider the case on its own merits, without being prejudiced by the fact that the present anticipatory bail application has not been entertained by this Court.

The application stands dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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