

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.249 of 2022

Arising Out of PS. Case No.-788 Year-2014 Thana- KATIHAR NAGAR District- Katihar

Rakesh Roshan, Son of Lated Domai Mahto Resident of Daulatbad, District-
Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Shilpi Keshri, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 15-06-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehending his arrest in connection with Katihar Town P.S. Case no. 788 of 2014 instituted for the offence punishable under Sections 406 and 420 of the Indian Penal Code.

Allegation against the petitioner is that he cheated the public by collecting money from them and went away with the money of poor people.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Petitioner has neither received any money in his name nor misappropriated any amount or commit fraud with the complainant or any subscriber. There is no material against the petitioner to show his complicity in the aforesaid fraud.



Petitioner has no criminal antecedent.

Learned APP appearing for the State has opposed the prayer of bail and submits that the petitioner is all in all position in the aforesaid company and after collecting money from its subscribers cheated them by giving cheques that did not encash. He further submits that earlier the prayer for anticipatory bail of the petitioner was rejected on merit by a coordinate Bench of this Court vide order dated 02.05.2016 in Cr. Misc. No. 50042 of 2015, however, there is no new grounds found in favour of petitioner, that he may be granted privilege of anticipatory bail.

Having heard the learned counsel for the parties and taking into consideration that the prayer for anticipatory bail of the petitioner was rejected earlier on merit by a coordinate Bench of this Court as stated above, I am not inclined to grant bail to the petitioner and, as such, his prayer for bail is rejected.

The Application stands dismissed.

However, if the petitioner surrenders and prays for regular bail, the same may be considered by the court below on its own merit without being prejudiced by this order of rejection.

(Sunil Dutta Mishra, J)

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