

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.15362 of 2022

Arising Out of PS. Case No.-393 Year-2021 Thana- MOHANIYA District- Kaimur (Bhabua)

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GULSHAN KUMAR, Son of Uma Baitha, Resident of village - Chitaini,
P.S.- Parsathua, District - Rohtas (Sasaram)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunil Kumar Chaurasia, S/O Late Baliram Chaurasia, resident of village
Dandawa, P.S. Mohania, District Kaimur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uttam Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal, APP
For the O.P. no.2 : Mr. Rajesh Kumar Pathak, Advocate
(Informant)

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

8 18-01-2023 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 419 and 420 of the Indian Penal Code.

As per the prosecution case, it is stated by the informant that the petitioner wrongly depicting himself to be a Government employee took a sum of Rs. 98,000/- from him on the assurance that he would get him a vehicle and on receipt of the vehicle the balance amount of Rs. 1,82,000/- will have to be paid. Subsequently neither the petitioner returned the amount nor provided him with the vehicle.



It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. No such occurrence has taken place. The investigation in the case is complete. The petitioner is in custody since 8.9.2021 and has no criminal antecedent.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the petitioner has made incorrect statement in paragraph no. 3 of the petition with respect to his antecedent, on merits, the petitioner is named in the F.I.R and there is direct allegation against him.

Having heard learned counsel for the parties and taking into consideration the nature of allegation together with the petitioner having remained in custody for 1 year 4 months since 8.9.2021 and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Mohania P.S. Case no. 393 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaimur at Bhabua.

(Partha Sarthy, J)

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